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भारत का राजपत्र

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NEW DELHI, JUNE 12—JUNE 18, 2011, SATURDAY/JYAISTA 22—JYAISTA 28, 1933

इस भाग में चिन्ह पृष्ठ संख्या दी जाती है किससे कि वह पृष्ठक संकलन के रूप में रखा जा सके।
Separate Paging is given to this Part in order that it may be filed as a separate compilation.

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के यांत्रास्त्रयों (रक्षा यांत्रास्त्रय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

वित्त यांत्रास्त्रय

(वित्तीय सेवा विभाग)

नई दिल्ली, 3 जून, 2011

का. अ. 1617.—भारतीय स्टेट बैंक अधिनियम, 1955 (1955 का 23) को धारा 21 के साथ पटित धारा 21 की उपधारा (1) के खण्ड (ग)द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करके एवंद्वारा, श्री टी. अर. तेगनानन (जन्म -तिथि: 02-11-1953), को उनकी नियुक्ति की अधिसूचना की द्वारी से तीन वर्षों की अवधि के लिए अधिकारी आगामी आदेशों तक, जो भी पहले हो, भारतीय स्टेट बैंक के चेनै क्षेत्र के स्थानीय बोर्ड में सदस्य के रूप में नामित करती है।

[फा. सं. 3/16/2010-बीओ-1]

सचिव के, सिन्हा, निदेशक

MINISTRY OF FINANCE

(Department of Financial Services)

New Delhi, the 3rd June, 2011

S.O. 1617.—In exercise of the powers conferred by clause (c) of sub-section (1) of Section 21, read with Section 2087 GU/2011 - 1A

21 A of the State Bank of India Act, 1955 (23 of 1955), the Central-Government, in consultation with Reserve Bank of India, hereby nominates Shri T. R. Loganathan (DOB: 02-11-1953) as a member of the Local Board of State Bank of India at Chennai Region, for a period of three years with effect from the date of notification of his appointment or until further orders, whichever is earlier.

[F. No. 3/16/2010-BO-1.]

SAMIR K. SINHA, Director

नई दिल्ली, 3 जून, 2011

का. अ. 1618.—भारतीय स्टेट बैंक अधिनियम, 1955 (1955 का 23) को धारा 21 के साथ पटित धारा 21 की उपधारा (1) के खण्ड (ग)द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करके एवंद्वारा, श्री तनवीर अख्तर (जन्म तिथि: 11-10-1962), को उनकी नियुक्ति की अधिसूचना की द्वारी से तीन वर्षों की अवधि के लिए अधिकारी आगामी आदेशों तक, जो भी पहले हो, भारतीय स्टेट बैंक के पट्टा क्षेत्र के स्थानीय बोर्ड में सदस्य के रूप में नामित करती है।

[फा. सं. 8/18/2009-बीओ-1]

सचिव के, सिन्हा, निदेशक

New Delhi, the 3rd June, 2011

S.O. 1618.—In exercise of the powers conferred by clause (c) of sub-section (1) of Section 21, read with Section 21A of the Reserve Bank of India Act, 1955 (23 of 1955), the Central Government, in consultation with Reserve Bank of India, hereby appoints Shri Tanvir Akhtar (DOB: 11-10-1962) as a member of the Local Board of State Bank of India at Patna Region, for a period of three years with effect from the date of notification of his appointment or until further orders, whichever is earlier.

[F. No. 8/18/2009-BO-II]

SAMIR K. SINHA, Director

नई दिल्ली, 13 जून, 2011

का. आ. 1619.—सर्वोच्च बैंक (प्रबंध एवं प्रक्रीय उपबंध) स्कीम, 1970/1980 के खंड 3 के उपखंड (1) और खंड 8 के उपखंड (1) के साथ प्रतित, बैंककारी कंपनी (उपस्कूलों का अर्जन एवं अंतरण) अधिविधिम, 1970/1980 की भाग 9 की उपधारा (3) के खंड (क) द्वारा प्रदत्त सहभित्यों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परम्परा करने के पश्चात् एतदहारा, यूनियन बैंक आफ़ इंडिया की अध्यक्ष एवं प्रबंध निदेशक और एम.बी. नायर (जन्म तिथि 3-3-1952) के कार्यकाल को 31-03-2012 तक की अवधि के लिए अर्थात् उनके अधिविधिता की आयु प्राप्त करने की तरीख तक अध्यक्ष अगले अद्देशों तक, जो भी पहले हो, बढ़ाती है।

[फा. सं. 9/5/2006-बीओ-II]

समीर के. सिन्हा, निदेशक

New Delhi, the 13th June 2011

S.O. 1619.—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 9, of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980 read with sub-clause (1) of clause 3 and sub-clause (1) of Clause 8 of the Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, after consultation with the Reserve Bank of India, hereby extends the tenure of Shri M.V. Nair (DoB: 03-03-1952) as Chairman and Managing Director, Union Bank of India, for a period upto 31-03-2012, i.e. the date on which he would attain the age of superannuation or until further orders, whichever is earlier.

[F. No. 9/5/2006-BO-1]

SAMIR K. SRIVASTAV

SAMIR K. SINHA

जोखीरामी का जन्म 1911

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का, जा. 1620—आयकर अधिनियम 1961 (1961 का 43वां) की धारा 10(23ग) के खण्ड (vi) के साथ प्रति आयकर

नियमावली-1962 के नियम 2ए द्वारा प्रदत्त संस्करणों का प्रकाश करते हुए मुख्य आयकर आयुक्त, जोधपुर द्वारा “जैन विद्य भासी बूनियासिटी, लाडनू, जिला ज़िला ज़िला (सरकारी)” के नाम से प्रभोगनार्थ निर्धारण वर्ष 2011-12 से अपने लिए लिखा गया है। इसके अधीन अनुमोदित करते हैं:-

1. कर निर्धारिती उसकी आय का प्रधान अवलोकन अव वा प्रयोग करने के लिए उसका संचयन करें। तथा अवलोकन: उप उद्देश्यों के लिए करेगा जिनके लिए इसकी संरक्षण की गई।
2. कर निर्धारिती उपयुक्त कर निर्धारण वर्तमान से संगत सूखावाही वर्षों की किसी भी अवधि के दौरान आठ 11 की उपधारा (5) में विविहिट किसी एक अध्यक्ष से अधिक छँग अध्यक्ष तरीकों से जिन तरीकों से उसकी विधि (बोर्ड-जलसंचय, जलसंचय आदि के रूप में प्राप्त तथा अनुचित स्वैच्छिक अवलोकन से किन) का विवेश नहीं करेगा अध्यक्ष उसे जल नहीं करना सकता।
3. यह अदेश किसी ऐसी आय के संबंध में लाभ नहीं होगा, जो कि कारोबार से प्राप्त लाभ तथा जलसंचय हो जब तक बेता कारोबार उक्त कर निर्धारिती के उद्देश्यों की व्याप्ति के लिए प्राप्तिक नहीं हो तथा ऐसे कारोबार के संबंध में अस्ति ते तरक्का युस्तिकाएं नहीं रखी जाती हों।
4. कर निर्धारिती आयकर अधिनियम, 1961 के अवलोकनों के अनुसार अपनी आय विवाही विधियों सुपर्य से उपलब्ध प्राप्तियों के सम्बन्ध काफ़िर करेगा।
5. विषटन की विधियों में इसकी अवधिकार राशिकां और परिसंचयितां समान उद्देश्यों वाले भावात् संरक्षण जो दे वी जलही और उसका कोई भी भाव संरक्षण के विवाही समान जो नहीं दिया जाएगा।
6. आयकर अधिनियम की खाता 10(23) के तहत वाले 115 खंडण में परमुक्त 15 की रूपी उपलब्ध विधियों में यह अनुमोदन लाभ नहीं होगा।
7. यह अधिनियम तकनीकी तरीकों द्वारा तकनीकी व्यवस्था का विवाह आयकर। [संदर्भ सं. म.अ.आ./आ.अ. (तह)/जारी/2011-12/801]

दिलीप शिंकरी संस्कृत अवधारणा

**OFFICE OF THE CHIEF COMMISSIONER OF
INCOME-TAX**

Jodhpur, the 15th June 2011

No. 902011-12/1

S.O. 1620.—In exercise of the powers conferred by clause (vi) of Section 10(23C) of the Income-tax Act, 1961 (43 of 1961) read with rule 2CA of the Income Tax Rules,

1962, I, the Chief Commissioner of Income Tax, Jodhpur hereby approve "Jain Vishva Bharati University, Ladnun, Distt. Nagaur (Rajasthan)" for the purpose of the said section for the assessment year 2011-12 onwards, subject to the following conditions:-

1. the assessee will apply its income, or accumulate for application wholly and exclusively to the objects for which it is established;
2. The assessee will not invest or deposit its funds (other than voluntary contribution received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (6) of Section 11;
3. this order will not apply in relation to any income being profits and gain of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
4. the assessee will regularly file its return of income before the income-tax authority in accordance with the provisions of Income-tax Act, 1961;
5. that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives and no part of the same will go to any of the members of the Institution.
6. The approval will not apply in relation to anonymous donations in terms of the fifteenth proviso to Section 10(23C) r.w.s. 11BBC of the Act.
7. This notification will remain in force until it is withdrawn.

[Ref. No. CCIT/TO(Tech.)/Ju/2011-12/891]

DILEEP SHIVPURI, Chief Commissioner of Income Tax

स्वास्थ्य एवं परिवार अवलोकन मंत्रालय

(स्वास्थ्य एवं परिवार अवलोकन विभाग)

नई दिल्ली, 11अप्रैल, 2011

का. आ. 1621.—केन्द्र सरकार, दंत चिकित्सा अधिनियम, 1948 (1948 का 16) की धारा 10 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय दंत चिकित्सा परिषद से परामर्श करके, एटद्वारा उक्त अधिनियम की अनुसूची के भाग-1 में निम्नलिखित और संशोधन करती है, नामतः—

2. क्रम सं. 93 के समने कालम 2 एवं 3 की ओरूप प्रविधियों में दंत चिकित्सा अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-1 में, जो दंत चिकित्सा विभाग की ओरूप से

संबंधित हैं, निम्नलिखित विवरों के इसके अन्तर्गत विवरण जस्ते—

"94-एनआइएस	स्वास्थ्यविभाग विवरण
विविधालय, जयपुर	जयपुर, राजस्थान
(i) दंतराजनक उपकार एवं दंतराजनक उपकार एवं उपकार को अन्य उपकार जयपुर प्रदान की गई हो।	

[का. सं. वी-12017/128/2005-डी]

अधिकारी विवाही, अन्य संस्थान

MINISTRY OF HEALTH AND FAMILY WELFARE,

(Department of Health and Family Welfare)

New Delhi, the 11th April, 2011

S.O. 1621.—In exercise of the powers conferred by sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with the Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely:—

2. In the existing entries of column 2 & 3 after Serial No. 93, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of dental degrees, the following entries shall be inserted thereunder:—

"94. NIMS University, NIMS Dental College,
Jaipur Jaipur, Rajasthan
(i) Bachelor of Dental BDS, NIMS
Surgery (if granted on or University,
after 2-11-2010) Jaipur."

[F.No.V-12017/128/2005-DE]

ANITA TRIPATHI, Under Secy.

नई दिल्ली, 11अप्रैल, 2011

का. आ. 1622.—दंत चिकित्सा अधिनियम, 1948 (1948 का 16) की धारा 10 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार, भारतीय दंत चिकित्सा परिषद से परामर्श करके, उक्त अधिनियम की अनुसूची के भाग-1 में निम्नलिखित और संशोधन करती है नामतः—

2. राजस्थान स्वास्थ्य विज्ञान विविधालय, जयपुर के संबंध में दंत चिकित्सा अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-1 में क्रम संख्या 72 के बाद भौजू कालम 2 तथा 3 की प्रविधियों में इसके परामर्श निम्नलिखित प्रविधियों को अंतर्विष्ट किया जाएगा:—

“VII एनआईएस डेन्टल कालेज, जयपुर, राजस्थान

(i) बैचलर ऑफ डेन्टल सर्जरी
(यदि दिनांक 2-11-2010 को
अथवा इसके बाद प्रदान की
गई हो)

बीडीएस, राजस्थान स्वास्थ्य
विज्ञान विश्वविद्यालय, जयपुर”

[फा. सं. वी. 12017/128/2005-डीई]

अनीता त्रिपाठी, अवर सचिव

New Delhi, the 11th April, 2011

S.O. 1622.—In exercise of the powers conferred by sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with the Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely:-

2. In the existing entries of column 2 & 3 against Serial No. 72, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of dental degrees awarded by Rajasthan University of Health Sciences, Jaipur, the following entries shall be inserted thereunder:—

“VII NIMS Dental College,
Jaipur Rajasthan

(i) Bachelor of Dental University	BDS, Rajasthan
Surgery (if granted on or after 02-11-2010).	of Health Sciences, Jaipur.”

[F.No. V.12017/128/2005-DE]

ANITA TRIPATHI, Under Secy.

नई दिल्ली, 6 मई, 2011

का. आ. 1623.—दंत चिकित्सा अधिनियम, 1948 (1948 का 16) की धारा 10 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार, भारतीय दंत चिकित्सा परिषद से परामर्श करके, उक्त अधिनियम की अनुसूची के भाग-I में निम्नलिखित और संशोधन करती है नामतः—

2. डॉ. भीम राव अम्बेडकर विश्वविद्यालय, आगरा के संबंध में दंत चिकित्सा अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में क्रम संख्या 58 के बाद मौजूद कॉलेज 2 तथा 3 की प्रविष्टियों में इसके पश्चात् निम्नलिखित प्रविष्टियों को अंतिविष्ट किया जाएगा:—

“कान्ती देवी डेन्टल कालेज व अस्पताल, भथुणा

मास्टर ऑफ डेन्टल सर्जरी

(i) पब्लिक हेल्थ डेन्टिस्टरी (यदि दिनांक 16-9-2010 को अथवा इसके बाद प्रदान की गई हो)	एमडीएस (पब्लिक हेल्थ डेन्टिस्टरी) डॉ. वी.आर. अम्बेडकर विश्वविद्यालय, आगरा
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(ii) ओरेल मेडिसिन एं रेफियोलॉजी एमटीएस (ओरेल मेडिसिन)
(यदि दिनांक 16-9-2010 को डॉ. वी.आर. अम्बेडकर
अथवा इसके बाद प्रदान की गई विश्वविद्यालय, आगरा
हो)

(iii) कन्जर्वेटिव डेन्टिस्टरी एवं एंडोडोन्टिक्स	एमडीएस कन्जर्वेटिव डेन्टिस्टरी) डॉ. वी.आर. (यदि दिनांक 16-9-2010 को अम्बेडकर विश्वविद्यालय, आगरा गई हो)
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[फा. सं. वी. 12017/02/2007-डीई]

अनीता त्रिपाठी, अवर सचिव

New Delhi, the 6th May, 2011

S.O. 1623.—In exercise of the powers conferred by sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with the Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely:—

2. In the existing entries of column 2 & 3 against Serial No. 58, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of dental degrees, awarded by Dr. Bhim Rao Ambedkar University, Agra, the following entries shall be inserted thereunder:—

“Kanti Devi Dental College & Hospital, Mathura

Master of Dental Surgery

(i) Public Health Dentistry MDS (Public Health Dentistry,
(if granted on or after Dr. B. R. Ambedkar University,
16-9-2010) Agra.

(ii) Oral Medicine & MDS (Oral Medicine), Dr. B.R.
Radiology (if granted Ambedkar University, Agra.
on or after 16-9-2010)

(iii) Conservative Dentistry MDS (Cons. Dentistry), Dr. B.R.
and Endodontics Ambedkar University, Agra”
(if granted on or after
16-9-2010)

[F. No. V-12017/02/2007-DE]

ANITA TRIPATHI, Under Secy.

नई दिल्ली, 6 मई, 2011

का. आ. 1624.—दंत चिकित्सा अधिनियम, 1948 (1948 का 16) की धारा 10 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार, भारतीय दंत चिकित्सा परिषद से परामर्श करके, उक्त अधिनियम की अनुसूची के भाग-I में निम्नलिखित और संशोधन करती है नामतः—

**"Master of Surgery
(Orthopaedics)"**

MS (Ortho.)

(This shall be a recognised medical qualification when granted by Baba Farid University of Health Sciences, Faridkot in respect of students being trained at Shri Guru Ram Das Institute of Medical Sciences & Research, Amritsar on or after November 2010.

(b) against "Rajiv Gandhi University of Health Sciences, Bangalore" under the heading 'Recognised Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely:

**"Master of Surgery
(Ophthalmology)"**

MS (Ophth.)

(This shall be a recognised medical qualification when granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at Shri B. M. Patil Medical College, Bijapur, Karnataka on or after May, 2008.

Note to all:

1. The recognition so granted to a Postgraduate Course shall be for a maximum period of 5 years, upon which it shall have to be renewed.
2. Failure to seek timely renewal of recognition as required in sub-clause-4 shall invariably result in stoppage of admissions to the concerned Postgraduate Course.

[F. No. U. 12012/32/2011-ME(P.II)]

ANITA TRIPATHI, Under Secy.

नई दिल्ली, 18 मई, 2011

क्रम. अ. 1630.— केंद्र सरकार, दंत चिकित्सा अधिनियम, 1948 (1948 न्म 16) की धारा-10 की उपधारा (2) द्वारा प्रदत्त शब्दों अथवा उन प्रश्नों करते हुए, भारतीय अनुर्भवज्ञान परिषद से परामर्श करके, उसके अधिनियम की प्रथम अनुसूची में एतद्वारा निम्नलिखित और संशोधन करती है, नामतः—

उक्त अनुसूची में—

2. कश्मीर विश्वविद्यालय, जयपुर द्वारा प्रदान की जा रही दंत चिकित्सा डिग्रीयों की मान्यता के बारे में दंत चिकित्सा अधिनियम, 1948 (1948 का 16) की अनुसूची के गण इन में क्रम संख्या 63 कॉलम के 2 तथा 3 की मौजूदा प्रविष्टियों में गवर्नरेंट डेंटल कॉलेज व हासिटल, श्रीनगर (जे.एंड. के.) के संबंध में निम्नलिखित प्रविष्टियों को उसके अंतर्गत अंतर्विष्ट किया जायेगा, नामतः—

मास्टर ऑफ डेंटल सर्जरी

(i) ओसल एंड मेक्सीलोफेसियल सर्जरी

एमडीएस (ओसल एंड मेक्सीलोफेसियल सर्जरी)
कश्मीर विश्वविद्यालय

(यदि दिनांक 3-11-2010 को अथवा उसके पश्चात प्रदान की गई)।

कन्वरवेटिव डेन्ट्रीस्ट्री एंड इन्डोलोन्टिक्स एमडीएस (कन्वरवेटिव डेन्ट्रीस्ट्री एंड इन्डोलोन्टिक्स)
कश्मीर विश्वविद्यालय

(यदि दिनांक 4-11-2010 को अथवा उसके पश्चात प्रदान की गई)।

[फ. सं. यू-12012/17/2005-डीई]

अनिता त्रिपाठी, अवर सचिव

New Delhi, the 18th May, 2011

S.O. 1630.—In exercise of the powers conferred by sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely:—

2. In the existing entries of column 2 & 3 against Serial No. 63, in part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of dental degrees awarded by University of Kashmir, the following entries in respect of Government Dental College & Hospital, Srinagar (J&K), shall be inserted thereunder—

"Master of Dental Surgery

Oral & Maxillofacial Surgery

(if granted on or after 3-11-2010)

MDS (Oral &

**Maxillofacial
Surgery), University
of Kashmir**

**Conservative Dentistry and
Endodontics**

(if granted on or after 4-11-2010)

**MDS (Cons. Dentistry
and Endodontics),**

University of Kashmir"

[F. No. V-12017/17/2005-DE]

ANITA TRIPATHI, Under Secy.

नई दिल्ली, 24 मई, 2011

का.आ. 1631.—केन्द्र सरकार, भारतीय चिकित्सा परिषद अधिनियम, 1956 (1956 का 102) की धारा 11 के उप खण्ड (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय चिकित्सा परिषद के परामर्श के बाद उक्त अधिनियम की प्रथम अनुसूची में निम्नलिखित संशोधन करती है, नामतः :—

उक्त प्रथम अनुसूची में शीर्ष 'मान्यता प्राप्त चिकित्सा अर्हता' (कालम (2) में) के अंतर्गत "द तमिलनाडु डॉ. एम जी आर चिकित्सा महाविद्यालय, तमिलनाडु" के समक्ष और शीर्ष पंजीकरण के लिए संक्षेपण (कालम (3) में) के तहत निम्नलिखित जोड़ा जाएगा नामत :—

1

2

बैचलर ऑफ मेडिसिन एवं
बैचलर ऑफ सर्जरी

एम. बी. बी. एस

(यह चेट्टीनाड अस्पताल एवं अनुसंधान संस्थान, कांचीपुरम, तमिलनाडु में प्रशिक्षित किए जा रहे विद्यार्थियों के बारे में दि तमिलनाडु डॉ. एमजीआर चिकित्सा महाविद्यालय, तमिलनाडु द्वारा फरवरी 2011 में या इसके बाद प्रदान की गई चिकित्सा अर्हता मान्यता प्राप्त होगी)

[फ. सं. यू. 12012/213/2005-एम्ब (पी. II)]

अनिता त्रिपाठी, अवर सचिव

New Delhi, the 24th May, 2011

S.O. 1631.—In exercise of the powers conferred by sub-section (2) of Section 11 of the Indian Medical Council Act, 1956(102 of 1956), the Central Government, after consulting the Medical Council of India hereby, makes the following further amendments in the First Schedule to the said Act, namely :—

In the said First Schedule against "The Tamilnadu Dr. MGR Medical University, Tamil Nadu" under the heading 'Recognized Medical Qualification' [in column (2)] and under the heading 'Abbreviation for Registration' [in column (3)], the following shall be inserted namely :—

1

2

Bachelor of Medicine and
Bachelor of Surgery

M. B. B. S

(This shall be a recognized medical qualification when granted by The Tamilnadu Dr. MGR Medical University, Tamil Nadu in respect of students trained at Chettinad Hospital & Research Institute, Kanchipuram, Tamil Nadu, on or after February 2011)

[F. No.U-12012/213/2005-ME-T-410]

ANITA TRIPATHI, Under Secy.

नई दिल्ली, 24 मई, 2011

का.आ. 1632.—केन्द्र सरकार, भारतीय चिकित्सा परिषद अधिनियम, 1956 (1956 का 102) की धारा 11 के उप खण्ड (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय चिकित्सा परिषद के परामर्श के बाद उक्त अधिनियम की प्रथम अनुसूची में निम्नलिखित संशोधन करती है, नामतः :—

उक्त प्रथम अनुसूची में शीर्ष 'मान्यता प्राप्त चिकित्सा अर्हता' [कालम (2) में] के अंतर्गत "एसएस बहुमुक्त विश्वविद्यालय, श्रीनगर, उत्तराखण्ड" के समक्ष और शीर्ष पंजीकरण के लिए संक्षेपण [कालम (3) में] के तहत निम्नलिखित जोड़ा जाएगा नामत :—

1

2

बैचलर ऑफ मेडिसिन एवं
बैचलर ऑफ सर्जरी

एम. बी. बी. एस

(यह श्री उमा राम एवं चिकित्सा विज्ञान अस्पताल, रोहतस, उत्तराखण्ड में प्रशिक्षित किए जा रहे विद्यार्थियों के बारे में एसएस बहुमुक्त विश्वविद्यालय, श्रीनगर, उत्तराखण्ड द्वारा फरवरी 2011 में या इसके बाद प्रदान की गई चिकित्सा अर्हता मान्यता प्राप्त होगी)

[फ. सं. यू. 12012/119/2004-एम्ब (पी. II)]

अनिता त्रिपाठी, अवर सचिव

New Delhi, the 24th May, 2011

S.O. 1632.—In exercise of the powers conferred by sub-section (2) of Section 11 of the Indian Medical Council Act, 1956(102 of 1956), the Central Government, after consulting the Medical Council of India hereby, makes the following further amendments in the First Schedule to the said Act, namely :—

In the said First Schedule against “H.N Bahuguna Garhwal University, Srinagar, Uttarakhand” under the heading ‘Recognized Medical Qualification’ [in column (2)] and under the heading ‘Abbreviation for Registration’ [in column (3)], the following shall be inserted namely :—

1	2
Bachelor of Medicine and Bachelor of Surgery	M. B. B. S (This shall be recognized medical qualification when granted by H.N Bahuguna Garhwal University, Srinagar, Uttarakhand in respect of students trained at Sri Guru Ram Rai Institute of Medical Sciences, Dehradun, Uttarakhand on or after February 2011)

[F. No.U-I2012/119/2004-ME(P-II)]
ANITA TRIPATHI, Under Secy.

प्रवासी भारतीय कार्य मंत्रालय

नई दिल्ली, 14 जून, 2011

का.आ. 1633.—केन्द्र सरकार राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में प्रवासी भारतीय कार्य मंत्रालय, नई दिल्ली को, जिसके 80 प्रतिशत से अधिक कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

[सं. 11011/12/2011-हिंदी]

आर. सी. मीना, अवर सचिव

MINISTRY OF OVERSEAS INDIAN AFFAIRS

New Delhi, the 14th June, 2011

S.O. 1633.—In pursuance of sub-rule (4) of Rule 10 of the Official Languages (use for official purpose of the Union) Rules, 1976 the Central Government hereby notifies the Ministry of Overseas Indian Affairs, New Delhi, as more than 80% of its staff has acquired working knowledge of Hindi :—

[No. 11011/12/2011-Hindi]

R. C. MEENA, Under Secy.

कृषि मंत्रालय

(कृषि अनुसंधान एवं शिक्षा विभाग)

नई दिल्ली, 13 जून, 2011

का.आ. 1634.—केन्द्रीय सरकार, कृषि अनुसंधान एवं शिक्षा विभाग राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियमावली, 1976 के नियम 10 के उपनियम (4) के अनुसरण में राष्ट्रीय स्तरीय अनुसंधान केन्द्र (भा.क.अ.प.) मुजफ्फरपुर (बिहार) को जिसके 80 प्रतिशत कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, एतद्वारा अधिसूचित करती है :

[फा. सं. 13-10/2009-हिंदी/89-100]

विजय सिंह, अवर सचिव

MINISTRY OF AGRICULTURE

(Department of Agricultural Research & Education)

New Delhi, the 13th June, 2011

S.O. 1634.—In pursuance of sub-rule (4) of Rule 10 of the Official Language (use for official purpose of the Union) Rules, 1976 the Central Government, Ministry of Agriculture, Department of Agricultural Research & Education hereby notifies the National Research Centre For Litchi, (ICAR) Muzaffarpur, (Bihar) where more than 80% of staff have acquired the working knowledge of Hindi :—

[No. 13-10/2009-Hindi/89-100]

VIJAY SINGH, Under Secy.

उपरोक्त मामले, खाद्य और सर्वजनिक वितरण मंत्रालय

(उपरोक्त मामले विभाग)

(भारतीय मानक व्यूरो)

नई दिल्ली, 13 जून, 2011

S.O. 1635.—भारतीय मानक व्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक व्यूरो एतदादा अधिसूचित करता है कि जिन भारतीय मानकों के संशोधन के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम सं.	संस्थापित भारतीय मानक (कों) की संख्या, वर्ष और शीर्षक	संशोधन संख्या और वर्ष	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आईएस 3811:2005 एल्कोहोलीय चेयर- रम-विशिष्ट (तीसरा पुनरीक्षण)	संशोधन संख्या । वर्ष 2010	15 दिसंबर 2010
2.	आईएस 4449:2005 एल्कोहोलीय चेयर- विस्की-विशिष्ट (चौथा पुनरीक्षण)	संशोधन संख्या । वर्ष 2010	15 दिसंबर 2010

इन संशोधनों की प्रतियां भारतीय मानक व्यूरो, मानक अॱॱन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चंडीगढ़, चेन्नई तथा शाखाओं कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बत्तूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूर्ण तथा तिरुवनंतपुरम में बिजली हेतु उपलब्ध हैं।

तिथि: 13 जून 2011

[संदर्भ : एफएडा/जा-128]

डॉ. आर के बजाय, वैज्ञानिक एक एवं प्रमुख (खाद्य एवं कृषि)

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

(Bureau of Indian Standards)

New Delhi, the 13th June, 2011

S.O. 1635.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :—

SCHEDULE

Sl. No.	No. and Year of the Indian Standards	No. and Year of the amendment	Date of which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 3811 : 2005 Alcoholic Drinks - Rum - Specification (Third Revision)	Amendment No. I Year 2010	15 December, 2010

(1)	(2)	(3)	(4)
2.	IS 4449 : 2005 Alcoholic Drinks - Whiskies - Specification (Fourth Revision)	Amendment No.1 Year 2010	15 December, 2010

Copy of these Standard are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi- 110 002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

Date : 13 June, 2011

[Ref: FAD/G-128]

Dr. R. K. BAJAJ, Scientist F and Head (Food & Agri)

नई दिल्ली, 14 जून, 2011

S.O. 1636.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एवं इसके अधिसूचित करता है कि जिन भारतीय मानकों के संशोधन के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :

अनुसूची

ब्राम सं.	संशोधन भारतीय मानक की संख्या, नाम और शीर्षक	संशोधन संख्या और वर्ष	संशोधन सांख्यिकीय संस्थान की तिथि
(1)	(2)	(3)	(4)
1.	आईएस 2557 : 1994 खाद्य उत्पादों के लिये अन्नातों रंग - बिन्डिट (खाद्य पुनरीक्षण)	संशोधन संख्या 2 वर्ष 2011	1 जून, 2011

इन संशोधनों की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110 002, भारतीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शास्त्र कार्यालयों : अहमदाबाद, बांगलौर, भोपाल, भुवनेश्वर, कोलकाता, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तपुरम में बिज़ोरी हेतु उपलब्ध हैं।

तिथि: 14 जून, 2011

[संदर्भ : एफएसी/जी-128]

डॉ. आर. के बजाज, वैज्ञानिक एवं एवं प्रमुख (खाद्य एवं कृषि)

New Delhi, the 14th June, 2011

S.O. 1636.—In pursuance of Clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the amendment to the Indian Standard, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :—

SCHEDULE

Sl. No.	No. and Year of the Indian Standards	No. and Year of the Amendment	Date of which the Amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 2557:1994 Annatto colour for Food products - Specification (First Revision)	Amendment No.2 Year 2011	1 June, 2011

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi- 110 002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kavar, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: FAD/G-126]

Dr. R. K. BAJAJ, Scientist "F" and Head (Food & Agri)

ग्राम परिवारी, 15 जून, 2011

का.आ. 1637.—भारतीय भानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम 4 के उप-विनियम (5) के अनुसारण में भारतीय भानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन साइरेसेलों के विनाश जीवे अनुबूति में दिए गए हैं, ये स्वीकृत कर दिए गए हैं :—

अनुबूति

क्रम सं	साइरेस संख्या	स्वीकृत करने की तिथि वर्ष/मह	साइरेसेलों का नाम व पता वर्ष/मह	भारतीय भानक ब्यूरो संख्या सीरीज़	भाग मात्रा संख्या	भाग अनुबूति संख्या	वर्ष	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	3726869	30-3-2011	दै. भानक ब्यूरो ऑफिस बॉर्ड इंडिस्ट्रियल सोल वाहो, सोकारो पोर्कोरिय, बारडें, गोआ— 403 501	पैकेजिंग पीने का पानी (पैकेजिंग प्रैसिंग प्रिन्टिंग बास ले अस्पता)	14543	—	—	2004
2.	3722255	27-4-2011	दमन रबर प्रोडक्ट्स, प्लॉट सं 6, सर्वे सं 217— पी, परसुराम पुरिया के पीछे, गौव दादर, सिलकर्ता— 396 320	पैकेजिंग प्रैसिंग प्रिन्टिंग बास ले	14625	—	—	1999
3.	3723560	2-5-2011	अनिकेत एन्टरप्राइज्यस, प्लॉट सं. १३— 32, अरिंगत मुरबाड, एम आई डी सी, मुरबाड, जिला धारणे— 421 401	पैकेजिंग पीने का पानी (पैकेजिंग प्रैसिंग प्रिन्टिंग बास ले अस्पता)	14543	—	—	2004
4.	3714054	18-5-2011	पोगो इन्कोर- पोरेट सूनिट सं. 2, 3 अल्पाईन (पैकेजिंग	पैकेजिंग पीने का पानी	14543	—	—	2004

(4)	(5)
इंडस्ट्रियल इस्टेट, मरोल	प्राकृतिक पिंगल
मिलिट्री रोड, अंधेरी-पूर्व,	जल के अलाबा)
मुंबई - 400 059	

[S. O. NO. 1637/13:11]

सदूची संघ, भैरवनाथ—“एफ”

New Delhi, the 15th June, 2011

S.O. 1637.—In pursuance of sub-regulation (5) of the regulation 4 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards hereby notifies the grant of licences particulars of which are given in the following schedule :—

SCHEDULE

Sl. No.	Licences No.	Grant Date	Name & Address of the Party	Title of the Standard	IS No.	Part	Sec.	Year
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	3726869	30-3-2011	M/s. Mahalaxmi Aerated Water Industry Zos Vaddo, Socorro, Porvorim Bardez, Goa-403 501	Packged Drinking Water (Other than Packaged Natural Mineral Water)	14543	-	-	2004
2.	3722255	27-4-2011	M/s. Daman Rubber Products, Plot No. 6, Survey No. 217-P, Behind Parsuram Puria, Village Dadra Silvassa-396320	Plastic Feeding Bottles	14625	-	-	1999
3.	3722390	2-05-2011	M/s. Aniket Enterprises, Plot No. M-32, Addl. Murbad MIDC, Murbad, Dist Thane-421401	Packaged Drinking Water (Other than Packaged Natural Mineral Water)	14543	-	-	2004
4.	3714054	18-05-2011	Pogo Incorporate Unit No. 2, 3, Opp. Alpine Indl. Estate, Marol Military Road, Andheri(E), Mumbai-400059	Packaged Drinking Water (Other than Packaged Natural Mineral Water)	14543	-	-	2004

[No. CND/13:11]

S. B. ROY, Scientist “F”

गद्दी विरासी, 15 जून, 2011

का.आ. 1638.—भारतीय मानक ब्यूरो (प्रमाणित) विनियम, 1988 के विनियम 5 के उप-विनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एवल्यूशन अधिसूचित करता है कि निम्न विवरण वाले लाइसेंसों को उनके आगे दर्शायी नई तरीख से रद्द/स्थगित कर दिया गया है :-

अनुसूची

क्रम सं.	लाइसेंस संख्या सीएम/एल-	लाइसेंसधारी का नाम व पता	लाइसेंस के अंतर्गत वस्तु/प्रक्रम सम्बद्ध भारतीय मानक का शीर्षक	रद्द करने की तिथि
1.	0876873	जयंत कलर और कोम्प्लेक्स इंडस्ट्रीज, तुलसीराम गुप्ता मिल्स इस्टेट, दारुखाना, रोड, मुंबई-400 010	सीपेंट ऐन्ड 5410:1992	28-04-2011
2.	7330157	अप्लाईड प्लास्टिक्स प्राइवेट लिमिटेड, प्लॉट सं. 10, बिशेन उद्योग प्रिमाइसेस, हरकुलस होस्ट के सामने, ओंक ची के रोड, मुंबई-400 080	पैकेजिंग फीबे का पानी (पैकेजिंग प्राकृतिक मिनरल जल के अलावा)	9-05-2011
3.	7915084	कुन्तुनाथ एक्स्प्रेस इंडस्ट्रीज, सं. 8, उचाट रोड, गाँव वर्धा, पोस्ट कुदुस, वाढा, जिला वाढा-421312	पैकेजिंग फीबे का पानी (पैकेजिंग प्राकृतिक मिनरल जल के अलावा)	11-05-2011
			14543:2004	14543:2004

[सं. सी.एम.डी./13:13]

एस. बी. रोय, वैज्ञानिक "एफ"

New Delhi, the 15th June, 2011

S.O. 1638.—In pursuance of sub-regulation (6) of the Regulation 5 of the Bureau of Indian Standards (Certification) Regulations, 1988, of the Bureau of Indian Standards, hereby notifies that the licences particulars of which are given below have been cancelled/suspended with effect from the date indicated against each :

SCHEDULE

Sl. No.	Liences No. CM/L-	Name & Address of the Licensee	Article/Process with relevant Indian Standards covered by the licence cancelled/suspension	Date of Cancellation
1.	0876873	M/s. Jayant Colour & Chemical Industries, Tulsiram Gupta Mills Estate, Darukhana, Reay Road, Mumbai-400010	Cement Paint IS 5410:1992	28-04-2011
2.	7330157	M/s. Applied Plastics Pvt. Ltd., Plot No. 10, Bishen Udyog Premises, Opp. Hercules Hoist Co., Off P.K. Road, Mulund (West), Mumbai-400 080	Packaged Drinking Water (Other than Packaged Natural Mineral Water) IS 14543:2004	9-05-2011
3.	7915084	M/s. Kunthunath Aqua Industries No. 8, Uchat Road, Village Vardha, Post Kudus, Wada Dist. Thana-421312	Packaged Drinking Water (Other than Packaged Natural Mineral Water) IS 14543:2004	11-05-2011

[No.CMD/13:13]

S.B. ROYI, Scientist "F"

कोयला भूमि

नई दिल्ली, 13 जून 2011

कर.आ. 1639.—केन्द्रीय सरकार, को यह प्रतीत होता है कि इससे उपावद्ध अनुसूची में उल्लिखित परिषेत की भूमि से कोयला अभियाप्त किए जाने की संभावना है;

और उक्त अनुसूची में उल्लिखित, भूमि के क्षेत्र के अंतर्गत आने वाले रेखांक संख्या सी- 1(१)III/जीआर/845-1110, तारीख 24 नवम्बर, 2010 का निरीक्षण वेस्टर्न कोलफील्ड्स लिमिटेड (राजस्व विभाग), कोल इस्टेट, सिविल लाइन्स, नगरपाल-440 001 (महाराष्ट्र) या मुख्य महाप्रबंधक (खोज प्रभाग), सेंट्रल माइन एंड डिजाइन इंस्टीट्यूट, गोदवारा प्लेस, कांके येल, गांधी नगर कोयला नियंत्रक, 1, काऊसल लाइन्स रेलवे स्टेट, कोलकाता के कार्यालय में या जिला कलक्टर छिंदवाड़ा (मध्य प्रदेश) में किया जा सकता है;

अतः अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की भाग 4 की उपधारा (1) द्वारा शक्तियों का प्रयोग करते हुए, उक्त अनुसूची में वर्णित भूमि से कोयले का पूर्वक्षण करने के अपने अधिकार की सूचना देती है;

उक्त अनुसूची में उल्लिखित भूमि में हितवद्ध कोई व्यक्ति -

- (i) संपूर्ण भूमि या उसके किसी भाग या ऐसी भूमि में या उसके ऊपर किसी अधिकार के अर्जन पर अधिकार, या
- (ii) भूमि में या ऐसी भूमि पर कोई अधिकार या भूमि के प्रतिकर के हित के यदि कोई दावा, या
- (iii) खनन पट्टा अर्जन करने के अधीन अधिकारों की पूर्वक्षण अनुज्ञाप्ति प्रभावहीन हो जाने और भूमि संबंधी रक्षा नक्शे, चाटी तथा अन्य दस्तावेजों का परिदान, अयस्कों या अन्य खनिजों के नमूनों का भूमि से संग्रहण और उनका सम्पर्क विस्तृत करने के लिए तथा उक्त अधिनियम की धारा 13 को उपधारा (7) में निर्दिष्ट कोई अन्य सुसंगत अभियाप्तों या सम्बंधितों की तैयारी के लिए प्रतिकर,

इस अधियोग्य के उपरपत्र में प्रकाशन की तारीख से नव्वे दिन के भीतर, महाप्रबंधक, वेस्टर्न कोलफील्ड्स लिमिटेड, ऐच परिया, पोस्ट ऑफिस-फाईसल, खासील-परासिया, जिला-छिंदवाड़ा (मध्य प्रदेश) या महाप्रबंधक, भूमि और राजस्व, वेस्टर्न कोलफील्ड्स लिमिटेड, सिविल लाइन्स, नगरपाल-440 001 (महाराष्ट्र) को भेजेंगी।

अनुसूची

विस्तृत व्यापक 'सी'

पैंच क्षेत्र

जिला छिंदवाड़ा (मध्य प्रदेश)

(कार्यालय सी-1(१)III/जीआर/845-1110, तारीख 24 नवम्बर, 2010)

क्षेत्र	पैंच क्षेत्र नाम	पटवारी संकेत संख्या	तहसील	जिला	क्षेत्रफल (हेक्टेकर्न)	क्षेत्रफल
1.	दुर्विवरणी	32	परासिया	छिंदवाड़ा	15.876	क्षेत्र
2.	दुरी	32	परासिया	छिंदवाड़ा	218.293	क्षेत्र
3.	दुर्वी	31	परासिया	छिंदवाड़ा	204.402	क्षेत्र
4.	गोहरी	27	परासिया	छिंदवाड़ा	11.906	क्षेत्र
5.	गोवी	32	परासिया	छिंदवाड़ा	114.931	क्षेत्र

कुल क्षेत्र :- 565.410 हेक्टेकर्न (क्षेत्रफल)

या 1397.16 एकड़ (क्षेत्रफल)

सीमा वर्णन :-

क - ख : रेखा बिन्दु 'क' से आरंभ होती है और ग्राम झुरै से गुजरती हुई ग्राम झुरै तथा शासकीय वन की सम्मिलित सीमा के साथ गुजरती है और बिन्दु 'ख' पर मिलती है।

ख - ग : रेखा ग्राम झुरै से गुजरती हुई ग्राम झुरै और ग्राम झुरै रैव्यतवारी की सम्मिलित सीमा के साथ गुजरती है और बिन्दु 'ग' पर मिलती है।

ग - घ : रेखा ग्राम झुरै रैव्यतवारी से गुजरती हुई ग्राम झुरै रैव्यतवारी और ग्राम झुरै की सम्मिलित सीमा के साथ गुजरती है तथा बिन्दु 'घ' पर मिलती है।

घ - ड : रेखा ग्राम झुरै से गुजरती हुई ग्राम झुरै तथा ग्राम तुमडी की सम्मिलित सीमा के साथ गुजरती है तथा बिन्दु 'ड' पर मिलती है।

ड - च : रेखा ग्राम तुमडी से गुजरती हुई मगरही नाला को पार करती है और पुनः ग्राम तुमडी से गुजरती हुई गुन्नार नदी के किनारे से जाती हुई मगरही नाले को पार करती है तथा ग्राम तुमडी से गुजरती हुई ग्राम तुमडी तथा ग्राम मोहाली की सम्मिलित सीमा के साथ गुजरती है और बिन्दु 'च' पर मिलती है।

च - छ : रेखा ग्राम तुमडी और ग्राम मोहाली की सम्मिलित सीमा से गुजरती हुई ग्राम मोहाली तथा ग्राम माथनी की सम्मिलित सीमा के साथ गुजरती है और बिन्दु 'छ' पर मिलती है।

छ - क : रेखा ग्राम माथनी से गुजरती हुई ग्राम माथनी तथा ग्राम झुरै की सम्मिलित सीमा के साथ गुजरती है और आर्थिक बिन्दु 'क' पर मिलती है।

[फा. सं. 43015/31/2010-पीआरआईडब्ल्यू-1]

एस.सी.भाटिया, निदेशक

MINISTRY OF COAL

New Delhi, the 13th June, 2011

S.O. 1639.—Whereas, it appears to the Central Government that coal is likely to be obtained from the land in the locality described in the Schedule annexed hereto;

And whereas, the Plan bearing number C-1 (E) II/GR/845-1110 dated the 24th November, 2010 containing details of the areas of land described in the said Schedule may be inspected at the office of the Western Coalfields Limited (Revenue Department), Coal Estate, Civil Lines, Nagpur-440001 (Maharashtra) or at the office of the Chief General Manager (Exploration Division), Central Mine Planning and Design Institute, Gondwana Palace Kanke Road, Ranchi or at the office of the Coal Controller, 1, Council House Street, Kolkata or at the office of the District Collector, Chhindwara (Madhya Pradesh);

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal from land described in the said Schedule;

Any persons interested in the land described in the said Schedules may—

- (i) object to the acquisition of the whole or any part of the land, or of any rights in or over such land, or
- (ii) claim an interest in compensation if the land or any rights in or over such land, or
- (iii) seek compensation for prospecting licences ceasing to have effect, rights under mining leases being acquired and deliver all maps, charts and other documents relating to the land, collection from the land of cores or other mineral samples and due analysis thereof and the preparation of any other relevant record or materials referred to in sub-section (7) of Section 13 of the said Act,

to the office of the General Manager, Western Coalfields Limited, Pench Area, Post Office Parasia, Tahsil Parasia, District- Chhindwara (Madhya Pradesh) or General Manager (Land & Revenue), Western Coalfields Limited Revenue Department, Coal Estate, Civil Lines, Nagpur-440001 (Maharashtra) within ninety days from the date of publication of this notification in the Official Gazette.

SCHEDULE**Thesgora Block 'C'****Pench Area****District - Chhindwara (Madhya Pradesh)**

[Plan bearing number : C-I (E) III/GR/845-1110, dated the 24th November, 2010]

Sl. No.	Name of Village	Patwari Circle Number	Tahsil	District	Area (in Hectares)	Remarks
1.	Jhurrey Raitwari	32	Parasia	Chhindwara	15.876	Part
2.	Jhurrey	32	Parasia	Chhindwara	218.295	Part
3.	Tumri	31	Parasia	Chhindwara	204.402	Part
4.	Mohli	27	Parasia	Chhindwara	11.906	Part
5.	Mathni	32	Parasia	Chhindwara	114.931	Part

Total Area : **565.410 hectares (approximately) or
1397.16 acres (approximately)**

BOUNDARY DESCRIPTION:

- A-B Line starts from Point "A" and passes through village Jhurrey and meets on common boundary of village Jhurrey and Government forest at Point 'B'
- B-C Line passes through village Jhurrey and meets at common boundary of villages Jhurrey and Jhurrey Raitwari at Point 'C'
- C-D Line passes through village Jhurrey Raitwari and meets on common boundary of villages Jhurrey Raitwari and Jhurrey at Point 'D'
- D-E Line passes through the village Jhurrey and meets on common boundary of villages Jhurrey and Tumri at Point 'E'
- E-F Line passes through village Tumri, crosses the Magrahi Nallah then again passes through village Tumri and proceeds along the bank of river Gunnor then again crosses the Magrahi Nallah and passes through village Tumri and meets on common boundary of villages Tumri and Mohli at Point 'F'
- F-G Line along the common boundary of villages Tumri and Mohli and meets on common boundary of Villages Mohli and Mathni at Point 'G'
- G-A Line passes through village Mathni and meets on common boundary of Villages Mathni and Jhurrey at Point 'A'

[F. No. 43015/31/2010-PRIW-I]

S. C. BHATIA, Director

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 1 जून, 2011

का. आ. 1640.—केन्द्रीय सरकार को लोक हित में यह आवश्यक प्रतीत होता है कि उत्तर प्रदेश राज्य में दादरी से हरियाणा राज्य में पानीपत तक, प्राकृतिक गैस के परिवहन के लिए इंडियन ऑयल कार्पोरेशन लिमिटेड द्वारा आर-एल-एन.जी. स्पर पाइपलाइन बिछाई जानी चाहिए।

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उक्त भूमि में, जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है और जिसमें पाइपलाइन बिछाई जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई भी व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से, जिसको भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, उसमें उपयोग के अधिकार का अर्जन करने या भूमि के नीचे पाइपलाइन बिछाए जाने के संबंध में, श्री विद्या शंकर सिंह, सक्षम प्राधिकारी, इंडियन ऑयल कार्पोरेशन लिमिटेड, दादरी-पानीपत गैस पाइपलाइन परियोजना, एस.ए.-4, शास्त्री नगर, नजदीक पुरानी हापुड़ चुंगी गाजियाबाद (उत्तर प्रदेश) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : बागपत	जिला : बागपत	राज्य : उत्तर प्रदेश			
क्रम सं.	गांव का नाम	खसरा संख्या	क्षेत्रफल	हेक्टेयर	एयर
				वर्ग	मीटर
(1)	(2)	(3)	(4)	(5)	(6)
1. चमरावल		1324	0	01	08
		975	0	00	36
		1325	0	00	05
		1315	0	05	63
		1329	0	02	78
		1326	0	00	32
		979	0	05	71
2. खासपुर		529	0	04	12
		541	0	00	29
		8	0	01	13
		7	0	00	36
3. पांची		579	0	00	58

(1)	(2)	(3)	(4)	(5)	(6)
3. पांची (जारी)		585	0	00	14
		478	0	00	26
		561	0	01	49
		479	0	00	95
		586	0	00	18
		482	0	00	13
4. उकावली		5	0	02	28
		220	0	04	17
		103	0	01	78
		95	0	00	58
		222	0	01	68
		32	0	00	80
		29	0	00	47
		242	0	01	01
		27	0	03	00
5. खट्टा प्रहलादपुर		505	0	00	98
		446	0	03	15
		323	0	02	25
		335	0	00	69
		294	0	01	35
		318	0	00	67
		348	0	02	61
		349	0	00	90
		329	0	01	66
		481	0	02	09
		2436	0	00	63
		451	0	06	69
		334	0	00	77
		333	0	01	57
		490	0	01	35
		504	0	06	89
6. पावला बेगमाबाद		1253	0	01	10
		1183	0	00	34
		1055	0	00	58
		1049	0	00	19
		1047	0	01	30
		960	0	00	12
		999	0	00	30
		958	0	00	16
		1038	0	00	57
		1013	0	00	57
		1168	0	01	26
		1169	0	01	27
		1181	0	00	14
		1003	0	00	31

(1)	(2)	(3)	(4)	(5)	(6)	(1)	(2)	(3)	(4)	(5)	(6)
6.	पाबला बेगमाबाद (जारी)	1004 729 1161 959 1039	0 0 0 0 0	00 01 00 00 01	82 38 66 29 13	12. पुट्टी ब्रह्मनान	6 मिन 111 211 212 214 215	0 0 0 0 0	03 00 01 01 02	66 86 53 95 05	
7.	बसा टीकरी	210 201 197 228 249 211 227 229 219 204	0 0 0 0 0 0 0 0 0 0	02 02 01 02 01 00 00 01 00 00	37 72 98 05 30 38 41 42 29 15	13. नरोजपुर गुर्जर	97 मिन 56 251 59	0 0 0	02 01 00	37 75 62 60	
8.	गौरीपुर	505 52 380 491 53 379 357 67 506 63 507 508 500 502 511	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	00 01 01 00 00 02 01 01 00 01 00 00 00 01 01 01	64 56 15 13 64 13 44 03 64 01 40 81 14 05 13	15. राजपुर खामपुर	807 805	0 0	01 00	13 22	
						तहसील : खेकड़ा	जिला : बागपत	राज्य : उत्तर प्रदेश			
						क्रम गांव का नाम सं	खसरा संख्या	बोत्रफल			
								हेक्टेयर	एयर	वर्ग मीटर	
(1)	(2)	(3)	(4)	(5)	(6)						
1.	गैना	562 639 577 579 559 584 587 586 610	0 0 0 0 0 0 0 0	03 03 00 00 00 01 00 00	56 73 43 96 04 20 32 07 11						
2.	शहबानपुर	126	0	01	72						
3.	ललयाना	744 745	0 0	03 00	13 65						
4.	मन्सूरपुर	127 189	0 0	04 01	59 09						
5.	खैला	108 90 89 82	0 0 0	03 01 01 00	14 99 19 73						
6.	महरमपुर	189 273	0 0	01 01	51 00						

(1)	(2)	(3)	(4)	(5)	(6)
6.	महरमपुर (जारी)	214	0	01	85
		178	0	04	17
		360	0	00	14
		359	0	01	07
		238	0	00	66
		229	0	04	40
		358	0	00	76
		274	0	00	55
		270	0	00	73

तहसील : बड़ौत जिला : बागपत राज्य : उत्तर प्रदेश
क्रम गांव का नाम खसरा संख्या क्षेत्रफल
सं हेक्टेयर एयर वर्ग मीटर

(1)	(2)	(3)	(4)	(5)	(6)
1.	दिकाना	583	0	00	20
		566	0	00	56
2.	लुहारी	18	0	00	58
		21	0	00	73
		134	0	00	46
		135	0	00	25
		138	0	01	54
		213	0	02	39
		216	0	01	23
		1338	0	00	92
		1321	0	03	86
		1351	0	00	84
		1352	0	02	60
		1493	0	08	88
		1500	0	00	76
		1501	0	05	09
3.	अकबरपुर	769	0	00	23
	उसका बांगर	770	0	00	35
		703	0	00	77
		731	0	02	32
		781	0	01	11
		780	0	10	88
		767	0	01	26
		783	0	00	24
		695	0	03	22
4.	कोताना बांगर	511	0	00	82
		559	0	00	25
		1401	0	01	39
		560	0	00	96

(1)	(2)	(3)	(4)	(5)	(6)
4	कोताना बांगर (जारी)	273	0	02	06
		49	0	05	55
		436	0	01	52
		252/1469	0	00	40
		251	0	05	00
		525	0	00	87
		503	0	01	16
		254	0	01	05
		571	0	06	25
		269	0	01	07
		567	0	02	24
		1240	0	02	32
5.	जागोस बांगर	166	0	00	59
		155	0	01	45
		197	0	03	04
		156	0	00	73
		153	0	02	41
		215	0	02	87
		144	0	04	78
		164	0	04	47
		183	0	06	84
		203	0	00	73
		157	0	00	08

[फा. सं. एस-14014/30/2010-जी.पी.]

के. के. शर्मा, अधिकारी सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 1st June, 2011

S.O. 1640.—Whereas, it appears to the Central Government, that it is necessary in the public interest that for the transportation of natural gas from Dadri in the State of Uttar Pradesh to Panipat in the State of Haryana, R-LNG Spur Pipeline should be laid by the Indian Oil Corporation Limited;

And, whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said schedule may, within twenty one days from the date on which the copies of the notification as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land, to Shri Vidya Shankar Singh, Competent Authority, Indian Oil Corporation Limited, Dadri—Panipat R-LNG Pipeline

Project, SA-4, Shastri Nagar, Near Old Hapur Chungi,
Ghaziabad (Uttar Pradesh).

SCHEDULE

Tehsil : Baghpat Distt. : Baghpat State : Uttar Pradesh

Sl. No.	Name of Village	Khasra No.	Area		
			Hect- are	Are	Square Meter
(1)	(2)	(3)	(4)	(5)	(6)
1.	Chamrawal	1324	0	01	08
		975	0	00	36
		1325	0	00	05
		1315	0	05	63
		1329	0	02	78
		1326	0	00	32
		979	0	05	71
2.	Khaspur	529	0	04	12
		541	0	00	29
		8	0	01	13
		7	0	00	36
3.	Panchi	579	0	00	58
		585	0	00	14
		478	0	00	26
		561	0	01	49
		479	0	00	95
		586	0	00	18
		482	0	00	13
4.	Ukawali	5	0	02	28
		220	0	04	17
		103	0	01	78
		95	0	00	58
		222	0	01	68
		32	0	00	80
		29	0	00	47
		242	0	01	01
		27	0	03	00
5.	Khatta Prahlpur	505	0	00	98
		446	0	03	15
		323	0	02	25
		335	0	00	69
		294	0	01	35
		318	0	00	67
		348	0	02	61
		329	0	01	66
		481	0	02	09
		2436	0	00	63
		451	0	06	69
		334	0	00	77

(1)	(2)	(3)	(4)	(5)	(6)
5	Khatta Prahlpur	333	0	01	57
	(Contd.)	490	0	01	35
		504	0	06	89
6.	Pawla Begmabad	1253	0	01	10
		1183	0	00	34
		1055	0	00	58
		1049	0	00	19
		1047	0	01	30
		960	0	00	12
		999	0	00	30
		958	0	00	16
		1038	0	00	57
		1013	0	00	57
7.	Basa Tikri	1168	0	01	26
		1169	0	01	27
		1181	0	00	14
		1003	0	00	31
		1004	0	00	82
		729	0	01	38
		1161	0	00	66
		959	0	00	29
		1039	0	01	13
		210	0	02	37
8.	Gauri Pur	201	0	02	72
		197	0	01	98
		228	0	02	05
		249	0	01	30
		211	0	00	38
		227	0	00	41
		229	0	01	42
		219	0	00	29
		204	0	00	15

(1)	(2)	(3)	(4)	(5)	(6)
8.	Gauri Pur	502	0	01	05
	(Contd.)	511	0	01	13
9.	Habibpur Majra	336	0	01	52
		408	0	00	20
10.	Mitli	1917	0	01	34
11.	Bali	50	0	02	79
		51	0	01	00
		44	0	04	43
		55	0	04	10
		231	0	03	34
		229	0	02	69
		247	0	04	97
		230	0	01	69
		232	0	00	92
		1092	0	03	10
12.	Putti Brahamnan	6 Min	0	03	66
		111	0	00	86
		211	0	01	53
		212	0	01	95
		214	0	02	69
		215	0	02	05
		59	0	00	60
13.	Narojpur Gujjar	97 Min	0	02	37
14.	Tyodhi	56	0	01	75
		251	0	06	62
		59	0	00	60
15.	Rajpur Khampur	807	0	01	13
		805	0	00	22

Tehsil : Khekra		Distt. : Baghpat		State : Uttar Pradesh	
Sl. No.	Name of Village	Khasra No.	Area		
			Hect-are	Are	Square Meter
(1)	(2)	(3)	(4)	(5)	(6)
1.	Gauna	562	0	03	56
		639	0	03	73
		577	0	00	43
		579	0	00	96
		559	0	00	04
		584	0	01	20
		587	0	00	32
		586	0	00	07
		610	0	00	11
2.	Shahwanpur	126	0	01	72

(1)	(2)	(3)	(4)	(5)	(6)
3.	Lalyana	744	0	03	13
		745	0	00	65
4.	Mansurpur	127	0	04	59
		189	0	01	09
		199	0	00	53
		118	0	01	67
		122	0	00	66
		202	0	00	73
5.	Khaila	108	0	03	14
		90	0	01	99
		89	0	01	19
		82	0	00	73
6.	Mehrampur	189	0	01	51
		273	0	01	00
		214	0	01	85
		178	0	04	17
		360	0	00	14
		359	0	01	07
		238	0	00	66
		229	0	04	40
		358	0	00	76
		274	0	00	55
		270	0	00	73

Tehsil : Baraut Distt. : Baghpat State : Uttar Pradesh

Sl. No.	Name of Village	Khasra No.	Area		
			Hect-are	Are	Square Meter
(1)	(2)	(3)	(4)	(5)	(6)
1.	Dhikana	583	0	00	20
		566	0	00	56
2.	Luhari	18	0	00	58
		21	0	00	73
		134	0	00	46
		135	0	00	25
		138	0	01	54
		213	0	02	39
		216	0	01	23
		1338	0	00	92
		1321	0	03	86
		1351	0	00	84
		1352	0	02	60
		1493	0	08	88
		1500	0	00	76
		1501	0	05	09

(1)	(2)	(3)	(4)	(5)	(6)
3.	Akbarpur Taska Bangar	769 770 703 731 781 780 767 783 695	0 0 0 0 0 0 0 0 0	00 00 00 02 01 10 01 00 03	23 35 77 32 11 88 26 24 22
4.	Kotana Bangar	511 559 1401 560 273 49 436 252/1469 251 525 505 254 571 269 567 1240	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	00 00 01 00 02 05 01 00 05 00 01 01 06 01 02 02	82 25 39 96 06 55 52 40 00 87 16 05 25 07 24 32
5.	Jagos Bangar	166 155 197 .156 153 215 144 164 183 203 157	0 0 0 0 0 0 0 0 0 0 0	00 01 03 00 02 02 04 04 06 00 00	59 45 04 73 41 87 78 47 84 73 08

[F. No. L-14014/30/2010-GP.]

K. K. SHARMA, Under Secy.

नई दिल्ली, 9 जून, 2011

का. आ. 1641.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुवाहाटी रिफाइनरी, नूनमाती (असम) से गुवाहाटी एयरपोर्ट, बरझार (असम) तक पेट्रोलियम उत्पादों के परिवहन के लिए इंडियन ऑयल कार्पोरेशन लिमिटेड द्वारा गुवाहाटी रिफाइनरी, नूनमाती (असम) से बरझार एयरपोर्ट, गुवाहाटी (असम) तक एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उक्त भूमि में, जिसके भीतर उक्त पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ जन साधारण को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, उसमें उपयोग के अधिकार का अर्जन करने या भूमि के नीचे पाइपलाइन बिछाए जाने के संबंध में, श्री दिव्वेश्वर कलिता, ए.सी.एस., अडिशनल डिप्टी कमिशनर एवं इंडियन ऑयल कार्पोरेशन लिमिटेड (पाइपलाइन्स प्रभाग) में सक्षम प्राधिकारी 3211, गुवाहाटी रिफाइनरी टाऊनशिप, सेक्टर-III, नूनमाती, गुवाहाटी-78120 (असम) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

जिला-कामरूप (मेट्रो)			राज्य : असम			
क्र. सौजा का सं. नाम	ग्राम का नाम	दाग संख्या	क्षेत्रफल हेक्टेयर	एयर वर्ग	मीटर	
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1. जालुकबारी	पूर्व-बरागाँव	325 (सरकारी भूमि)	00	03	75	
		330	00	02	94	
		333	00	17	80	
		340	00	04	68	
		349	00	04	95	
		351	00	12	04	
		354	00	13	38	
		494	00	25	69	
		495	00	03	21	
		(सरकारी भूमि)				
		498	00	11	24	
		499	00	12	04	
2. रामसरनी	पामोही	435	00	01	47	
		438	00	32	38	
		439	00	01	87	
		645	00	04	95	
		671	00	01	87	

(1) (2)	(3)	(4)	(5)	(6)	(7)	(1) (2)	(3)	(4)	(5)	(6)	(7)
रामसरनी	मिक्रोपारा	547	00	04	68	रामसरनी	मिक्रोपारा	1162	00	10	70
—जारी	चोकरदई	591	00	10	97	—जारी	चोकरदई	1192	00	03	88
	—जारी	594	00	09	37		—जारी	1200	00	01	74
		600	00	00	27			1223	00	04	55
		602	00	02	41			1227	00	06	29
		603	00	04	95			1287	00	03	08
		604	00	00	27			510/1407	00	09	37
		607	00	05	22			511/1408	00	02	81
		608	00	02	68			512/1409	00	02	81
		612	00	00	94			517/1410	00	01	87
		833	00	03	61			516/1412	00	04	95
		835	00	05	75			1104/1679	00	01	20
		836	00	01	34			1104/1680	00	03	48
		843	00	01	34			1104/1681	00	10	03
		845	00	00	94			501	00	00	27
		846	00	05	08			(सरकारी भूमि)			
		848	00	08	03			537	00	06	02
		854	00	01	34			(सरकारी भूमि)			
		855	00	11	24			538	00	00	53
		858	00	08	29			(सरकारी भूमि)			
		861	00	08	43			606	00	02	01
		876	00	00	94			(सरकारी भूमि)			
		878	00	02	14			851	00	09	37
		879	00	01	34			(सरकारी भूमि)			
		880	00	01	47			877	00	00	67
		881	00	01	34			(सरकारी भूमि)			
		884	00	05	62			1145	00	04	01
		885	00	05	35			(सरकारी भूमि)			
		994	00	22	75			1050	00	00	94
		1006	00	02	27			(सरकारी भूमि)			
		1007	00	11	10	5. दक्षिणरानी	काहीकुची	839	00	02	01
		1009	00	08	03			840	00	04	01
		1028	00	23	01			900	00	04	68
		1030	00	08	16			905	00	10	03
		1031	00	08	70			914	00	08	03
		1032	00	05	08			916	00	03	34
		1106	00	01	74			917	00	02	01
		1113	00	03	88			918	00	00	40
		1117	00	05	35			929	00	12	71
		1118	00	07	22			930	00	12	17
		1119	00	05	75			992	00	06	02
		1120	00	06	02			1009	00	19	40
		1147	00	01	74			1010	00	02	68
		1148	00	06	42			1012	00	18	73
		1149	00	08	56			1013	00	06	69
		1151	00	00	53			840/1414	00	24	48

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(1)	(2)	(3)	(4)	(5)	(6)	(7)
5.	दक्षिण रानी	काहीकुची	622	00	07	36	दक्षिण रानी	जोगीपाय	905	00	00	67	
			(सरकारी भूमि)				-जारी	-जारी	482	00	00	67	
			915	00	02	14			132	00	02	68	
			(सरकारी भूमि)						(सरकारी भूमि)				
6.	दक्षिण रानी	जोगीपाय	152	00	12	71			158	00	01	60	
			154	00	03	34			(सरकारी भूमि)				
			155	00	08	03			164	00	01	34	
			156	00	12	71			(सरकारी भूमि)				
			157	00	08	03			178	00	08	70	
			159	00	02	01			(सरकारी भूमि)				
			160	00	02	01			454	00	02	68	
			161	00	04	68			(सरकारी भूमि)				
			163	00	03	34			856	00	01	47	
			165	00	03	08			(सरकारी भूमि)				
			173	00	09	37			900	00	01	47	
			176/एषी	00	00	40			(सरकारी भूमि)				
			177	00	08	03	7.	दक्षिण रानी	बरझार	542	00	00	27
			281	00	12	04			543	00	22	08	
			283	00	01	60			545	00	03	34	
			285	00	02	41			565	00	09	90	
			320	00	01	34			572	00	28	63	
			321/एषी	00	03	48			573	00	07	09	
			322	00	00	67			574	00	02	27	
			349	00	00	53			985	00	00	27	
			350	00	02	68			986	00	07	22	
			351	00	04	41			987	00	06	82	
			352	00	11	37			989	00	01	60	
			354	00	01	47			(सरकारी भूमि)				
			449	00	00	40			990	00	02	81	
			483	00	05	35			991	00	09	90	
			451	00	04	01			993	00	13	78	
			453	00	08	03			994	00	09	37	
			458	00	10	84			1048	00	12	31	
			459	00	11	77							
			460	00	00	27							
			473/एषी	00	00	80							
			766	00	00	53							
			767	00	03	61							
			768	00	06	96							
			769	00	05	35							
			770	00	05	89							
			771	00	03	48							
			772	00	26	09							
			773	00	02	94							
			903	00	01	07							
			904	00	01	07							

[फा. सं. आर-25011/15/2011-ओ आर-I]

बी. के. दत्ता, अवर सचिव

New Delhi, the 9th June, 2011

S.O. 1641.—Whereas, it appears to the Central Government, that it is necessary in the public interest that for the transportation of petroleum products from Guwahati Refinery, Noonmati (Assam) to Guwahati Airport, Borjhar (Assam), a pipeline should be laid by Indian Oil Corporation Limited;

And, whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under

which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of this notification issued under sub-section (1) of Section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land, to Shri Dimbeswar Kalita, ACS, Addl. Deputy Commissioner-cum-Competent Authority in Indian Oil Corporation Limited (Pipelines Division), 3211, Guwahati Refinery Township, Sector-III, Noonmati, Guwahati-781020 (Assam).

SCHEDULE

District : Kamrup (Metro)			State : Assam			
Sl. No.	Name of the Mouza	Name of the Village	Dag No.	Area		
				Hec-tare	Are Sq. Mtr.	
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1.	Jalukbari	Pub-Boragaon	325 (Govt. land)	00 330 333 340 349 351 354 494 495 (Govt. land)	03 02 17 04 04 12 13 25 03	75 94 101 102 104 108 109 110 152 153 158 157 203 207 208 209 210 211 212 213
				75 94 101 102 104 108 109 110 152 153 158 157 203 207 208 209 210 211 212 213	00 12 07 09 04 04 02 17 09 06 20 05 01 12 07 10 05 04 04 05	68 58 63 90 01 41 94 13 10 02 07 89 20 71 76 03 08 41 01 75
2.	Ramsarani	Pamohi	435 438 439 645 671 676 677 684 685 690	00 01 01 04 01 19 13 14 23 14	47 38 87 95 87 53 38 98 28 98	214 232 233 234 235 236 237 238 239 240 243
				214 232 233 234 235 236 237 238 239 240 243	00 23 05 08 05 02 01 06 08 04 00	96 82 35 56 75 68 74 82 03 41 13

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(1)	(2)	(3)	(4)	(5)	(6)	(7)
Ramsarani	Pamohi	252	00	00	53		Ramsarani	Mikirpara	854	00	01	34	
—Contd.	—Contd.	432	00	06	02		—Contd.	Chakardoi	855	00	11	24	
		433	00	02	14		—Contd.	858	00	08	29		
		434	00	25	29			861	00	08	43		
		93	00	20	74			876	00	00	94		
		(Govt. land)						878	00	02	14		
		651	00	05	62			879	00	01	34		
		(Govt. land)						880	00	01	47		
		709	00	00	40			881	00	01	34		
		(Govt. land)						884	00	05	62		
		713	00	14	05			885	00	05	35		
		(Govt. land)						994	00	22	75		
3. Jalukbari	Pachim	728	00	29	30			1006	00	02	27		
	Boragon	(Govt. land)						1007	00	11	10		
		742	00	00	13			1009	00	08	03		
		741	00	02	54			1028	00	23	01		
		740	00	08	03			1030	00	08	16		
		738	00	07	89			1031	00	08	70		
		773	00	06	29			1032	00	05	08		
		(Govt. land)						1106	00	01	74		
		736	00	07	36			1113	00	03	88		
		729	00	03	34			1117	00	05	35		
		727	00	10	30			1118	00	07	22		
		704	00	35	19			1119	00	05	75		
		(Govt. land)						1120	00	06	02		
4. Ramsarani	Mikirpara	508	00	06	69			1147	00	01	74		
	Chakardoi	513	00	00	80			1148	00	06	42		
		514	00	00	80			1149	00	08	56		
		529	00	06	69			1151	00	00	53		
		530	00	01	87			1162	00	10	70		
		531	00	05	75			1192	00	03	88		
		535	00	06	29			1200	00	01	74		
		540	00	04	82			1223	00	04	55		
		542	00	07	09			1227	00	06	29		
		546	00	03	61			1287	00	03	08		
		547	00	04	68			510/1407	00	09	37		
		591	00	10	97			511/1408	00	02	81		
		594	00	09	37			512/1409	00	02	81		
		600	00	00	27			517/1410	00	01	87		
		602	00	02	41			516/1412	00	04	95		
		603	00	04	95			1104/1679	00	01	20		
		604	00	00	27			1104/1680	00	03	48		
		607	00	05	22			1104/1681	00	10	03		
		608	00	02	68			501	00	00	27		
		612	00	00	94			(Govt. land)					
		833	00	03	61			537	00	06	02		
		835	00	05	75			(Govt. land)					
		836	00	01	34			538	00	00	53		
		843	00	01	34			(Govt. land)					
		845	00	00	94			606	00	02	01		
		846	00	05	08			(Govt. land)					
		848	00	08	03			851	00	09	37		
								(Govt. land)					

[E. No. R-25011/15/2011-OR-II]

B. K. DATTA, Under Secy.

नई दिल्ली, 15 जून, 2011

का. आ. 1642.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 6 की उप-धारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की नीचे दी गई अनुसूची में यथा उल्लिखित तारीखों की अधिसूचना संख्या का.आ. द्वारा उन अधिसूचनाओं से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया था;

और केन्द्रीय सरकार को उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त भूमि में जो सभी विलगामों से मुक्त है, उपयोग का अधिकार इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित किया था;

और सक्षम प्राधिकारी ने केन्द्रीय सरकार को रिपोर्ट दी है कि आर.एल.एन.जी. के परिवहन के लिए उत्तर प्रदेश के सदरी से हरियाणा राज्य में पानीपत तक दादरी-पानीपत आर.एल.एन.जी. पाइपलाइन परियोजना के क्रियान्वयन हेतु इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा उक्त भूमि में पाइपलाइन बिछाई जा चुकी है अतः उस भूमि के बारे में, जिसका संक्षिप्त विवरण इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट किया गया है, प्रचालन की समाप्ति की जाए;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1963 के नियम 4 के स्पष्टीकरण-1 के अधीन अपेक्षानुसार उक्त अनुसूची के स्तंभ 6 में उल्लिखित तारीखों को प्रचालन की समाप्ति की तारीखों के रूप में घोषित करती है।

अनुसूची

का.आ. संख्या एवं तारीख	ग्राम	तहसील	जिला	रेख्य	प्रचालन की समाप्ति की तारीख
(1)	(2)	(3)	(4)	(5)	(6)
4416 दिनांक 18-11-2006	बेगमपुर	घरौण्डा	करनाल	हरियाणा	15-4-2010
4418 दिनांक 18-11-2006	नौहरा	पानीपत	पानीपत	हरियाणा	15-4-2010
4418 दिनांक 18-11-2006	शौदापुर	पानीपत	पानीपत	हरियाणा	15-4-2010
एवं 2467 दिनांक 1-9-2007					
4418 दिनांक 18-11-2006	सिठाना	मतलौडा	पानीपत	हरियाणा	15-4-2010
4419 दिनांक 18-11-2006	ददलाना	पानीपत	पानीपत	हरियाणा	15-4-2010
4419 दिनांक 18-11-2006	रजापुर	पानीपत	पानीपत	हरियाणा	15-4-2010
एवं 2467 दिनांक 1-9-07					
4419 दिनांक 18-11-2006	सिकंदरपुर	पानीपत	पानीपत	हरियाणा	15-4-2010
4419 दिनांक 18-11-2006	जाटोल	पानीपत	पानीपत	हरियाणा	15-4-2010
4419 दिनांक 18-11-2006	पहलादपुर खलिला	पानीपत	पानीपत	हरियाणा	15-4-2010
4419 दिनांक 18-11-2006	बिंझोल	पानीपत	पानीपत	हरियाणा	15-4-2010
एवं 2467 दिनांक 1-9-2007					
4419 दिनांक 18-11-2006	महराना	पानीपत	पानीपत	हरियाणा	15-4-2010
एवं 2467 दिनांक 1-9-2007					
4419 दिनांक 18-11-2006	दिवाना	पानीपत	पानीपत	हरियाणा	15-4-2010
एवं 2467 दिनांक 1-9-2007					
4420 दिनांक 18-11-2006	मनाना	समालखा	पानीपत	हरियाणा	15-4-2010
4420 दिनांक 18-11-2006	करहंस	समालखा	पानीपत	हरियाणा	15-4-2010
एवं 2467 दिनांक 1-9-07					

(1)	(2)	(3)	(4)	(5)	(6)
4420 दिनांक 18-11-2006	गढ़ी छात्रू	समालखा	पानीपत	हरियाणा	15-4-2010
4420 दिनांक 18-11-2006 और 2270 दिनांक 22-8-2009	जौरसी सरफ खास	समालखा	पानीपत	हरियाणा	15-4-2010
एवं 2467 दिनांक 1-9-2007					
4420 दिनांक 18-11-2006	जौरसी खालसा	समालखा	पानीपत	हरियाणा	15-4-2010
4420 दिनांक 18-11-2006	डिकाडला	समालखा	पानीपत	हरियाणा	15-4-2010
4420 दिनांक 18-11-2006	देहरा	समालखा	पानीपत	हरियाणा	15-4-2010
4420 दिनांक 18-11-2006	माहकती	समालखा	पानीपत	हरियाणा	15-4-2010
4420 दिनांक 18-11-2006	बसेडा	समालखा	पानीपत	हरियाणा	15-4-2010
4420 दिनांक 18-11-2006	रकसेडा	समालखा	पानीपत	हरियाणा	15-4-2010
4417 दिनांक 18-11-2006 एवं 2467 दिनांक 1-9-2007	बेगा	गन्नौर	सोनीपत	हरियाणा	15-4-2010
4417 दिनांक 18-11-2006	पबनेरा	गन्नौर	सोनीपत	हरियाणा	15-4-2010
4417 दिनांक 18-11-2006	चन्दौली	गन्नौर	सोनीपत	हरियाणा	15-4-2010
4417 दिनांक 18-11-2006	दातौली	गन्नौर	सोनीपत	हरियाणा	15-4-2010

[फा. सं. एल-14014/33/2006-जीपी]

के. के. शर्मा, अवर सचिव

New Delhi, the 15th June, 2011

S.O. 1642.—Whereas, by notifications of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. and date as mentioned in the schedule attached issued under sub section (1) of Section 6 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government acquired the right of user in the lands specified in the Schedule appended to those notifications;

And, whereas, in exercise of the powers conferred by sub section (4) of Section 6 of the said Act, the Central Government vested the right of user in the said land, free from all encumbrances in the Indian Oil Corporation Limited;

And, whereas, the Competent Authority has made a report to the Central Government that the pipeline for the purpose of transportation of RLNG from Dadri in the state of U.P to Panipat in the state of Haryana by Indian Oil Corporation Limited has been laid in the said land, so the operation may be terminated in respect of the land the description of which in brief is specified in the Schedule annexed to this notification;

Now, therefore, as required under explanation-1 of rule 4 of the Petroleum Pipelines (Acquisition of Right of User in Land) Rules, 1963, the Central Government hereby declares the dates mentioned in Column 6 of the said Schedule as the dates of termination of operation.

SCHEDULE

S.O.No & date	Name of the Village	Tehsil	District	State	Date of termination of operation
1	2	3	4	5	6
4416 dt. 18-11-2006	Begampur	Gharaunda	Karnal	Haryana	15-04-2010
4417 dt.18-11-2006 & 2467 dt.01-09-2007	Pabnera	Ganaur	Sonipat	Haryana	15-04-2010

1	2	3	4	5	6
4417 dt.18-11-2006 & 2467 dt 01-09-2007	Chandauli	Ganaur	Sonipat	Haryana	15-04-2010
4417 dt.18-11-2006 & 2467 dt 01-09-2007	Bega	Ganaur	Sonipat	Haryana	15-04-2010
4417 dt.18-11-2006 & 2467 dt 01-09-2007	Datauli	Ganaur	Sonipat	Haryana	15-04-2010
4418 dt. 18-11-2006	Shohdapur	Madlauda	Panipat	Haryana	15-04-2010
4418 dt. 18-11-2006	Nauhra	Madlauda	Panipat	Haryana	15-04-2010
4418 dt. 18-11-2006	Sithana	Madlauda	Panipat	Haryana	15-04-2010
4419 dt. 18-11-2006	Pahaladpur Khalila	Panipat	Panipat	Haryana	15-04-2010
4419 dt.18-11-2006	Diwana	Panipat	Panipat	Haryana	15-04-2010
4419 dt.18-11-2006	Mahrana	Panipat	Panipat	Haryana	15-04-2010
4419 dt.18-11-2006	Binjhaul	Panipat	Panipat	Haryana	15-04-2010
4419 dt.18-11-2006	Jataul	Panipat	Panipat	Haryana	15-04-2010
4419 dt.18-11-2006	Sikandarpur	Panipat	Panipat	Haryana	15-04-2010
4419 dt.18-11-2006	Razapur	Panipat	Panipat	Haryana	15-04-2010
4419 dt.18-11-2006	Dadlana	Panipat	Panipat	Haryana	15-04-2010
4420 dt.18-11-2006	Rakheda	Samalkha	Panipat	Haryana	15-04-2010
4420 dt.18-11-2006	Baseda	Samalkha	Panipat	Haryana	15-04-2010
4420 dt.18-11-2006	Mahawati	Samalkha	Panipat	Haryana	15-04-2010
4420 dt.18-11-2006	Dehra	Samalkha	Panipat	Haryana	15-04-2010
4420 dt.18-11-2006	Dikadla	Samalkha	Panipat	Haryana	15-04-2010
4420 dt.18-11-2006	Jaurasi Surf	Samalkha	Panipat	Haryana	15-04-2010
4420 dt.18-11-2006	Khas Jaurasi	Samalkha	Panipat	Haryana	15-04-2010
4420 dt.18-11-2006	Khalsa Garhi Chhaju	Samalkha	Panipat	Haryana	15-04-2010
4420 dt.18-11-2006	Karhans	Samalkha	Panipat	Haryana	15-04-2010
4420 dt.18-11-2006	Manana	Samalkha	Panipat	Haryana	15-04-2010

[L-14014/33/2006 GP]
K. K. SHARMA, Under Secy.

नई दिल्ली, 15 जून, 2011

का. आ. 1643.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि उत्तर प्रदेश राज्य में दादरी से हरियाणा राज्य में पानीपत तक, प्राकृतिक गैस के परिवहन के लिए इंडियन ऑयल कार्पोरेशन लिमिटेड द्वारा आर.एल.एन.जी. स्पर पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उक्त भूमि में, जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है और जिसमें पाइपलाइन बिछाये जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई भी व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से, जिसको भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, उसमें उपयोग के अधिकार का अर्जन करने या भूमि के नीचे पाइपलाइन बिछाये जाने के संबंध में, श्री विद्या शंकर सिंह, सक्षम प्राधिकारी, इंडियन ऑयल कार्पोरेशन लिमिटेड, दादरी-पानीपत गैस पाइपलाइन परियोजना, एस.ए.-4, शास्त्री नगर, नजदीक पुरानी हापुड़ चुंगी, गाजियाबाद (उत्तर प्रदेश) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : गाजियाबाद ज़िला : गाजियाबाद		राज्य : उत्तर प्रदेश		
गांव का नाम	खसरा सं.	क्षेत्रफल		
(1)	(2)	हेक्टेयर	एयर वर्ग मीटर	(5)
1. सादतनगर इकला	310	0	01	98
	331	0	03	88
	338	0	00	82
	349	0	00	05
	352	0	00	15
	301	0	01	09
	302	0	01	14
2. डासना	4347	0	00	96
	4113	0	02	64
	4114	0	01	21
	4102	0	00	84
	4097	0	01	00
	4100	0	01	31

(1)	(2)	(3)	(4)	(5)
2. डासना (ज़ारी)	4098	0	06	30
	3946	0	04	23
	4007	0	00	12
	4008	0	01	37
	4005	0	00	42
	4003	0	04	00
	3989	0	02	45
	3845	0	06	02
	3846	0	03	81
	1100	0	00	60
	1095	0	03	22
	1117	0	02	61
	1131	0	12	58
	134	0	00	54
	104	0	02	97
3. रसूलपुर	248	0	01	00
सिकरोड़	262	0	01	01
	426	0	01	68
	267	0	00	56
	270	0	02	58
4. सदरपुर	907	0	00	94
5. मटियाला	348	0	02	66
	334	0	00	24
	42 मिन	0	00	56
	540	0	02	98
	436	0	02	48
	606	0	00	60
	627	0	03	26
	543	0	01	28
	349	0	01	49
	626	0	04	58
	428	0	02	00
	418	0	00	36
	40	0	01	30
	31	0	00	40
	450	0	01	41
	530	0	01	73
	635	0	03	49
	536	0	00	64
	633	0	00	97
	638	0	01	97
6. कनौजा	687	0	04	50
	685	0	01	56

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
6. कनौजा (जारी)	786	0	00	51	4. मिलक चाकरपुर	297	0	00	57
	782	0	00	04		268	0	02	43
	670	0	02	85		269	0	01	19
7. दुहाई	1430	0	01	41		292	0	00	18
	1421	0	00	54		295	0	01	33
	1479	0	07	90		3	0	01	26
	1455	0	04	21		49	0	01	09
	1450	0	00	12		8	0	00	35
	1415	0	01	59		291	0	00	32
	1482	0	00	89		45	0	02	96
	1468	0	01	37		40	0	00	91
तहसील : मोदीनगर जिला: गाजियाबाद राज्य : उत्तर प्रदेश						50	0	00	87
गांव का नाम	खसरा सं.	खेतफल				281	0	01	02
		हेक्टेयर	एयर	वर्ग मीटर		5	0	01	36
(1)	(2)	(3)	(4)	(5)		293	0	00	08
1. महोउद्दीनपुर	405	0	00	89		294	0	00	28
हिंसाली	386	0	01	03		4	0	00	62
2. बसन्तपुर सैतली	358	0	01	06		341	0	00	95
	764	0	05	57	5. किशनचन्द पुर	43	0	04	73
	396	0	06	02	पट्टी	15	0	01	47
	325	0	01	04		41	0	01	89
	350	0	10	16		35	0	00	09
	353	0	00	60		17	0	01	30
	759	0	06	22	6. मानौली	388	0	00	35
	755	0	08	43		394	0	01	58
	333	0	03	05		390	0	00	06
	747	0	00	86	7. सुल्ताननगर	295	0	01	58
	361	0	03	22	छन्जूपुर	294	0	00	19
	744	0	00	88		289	0	01	25
	761	0	05	50	8. हुसैनपुर	320	0	01	21
	762	0	09	08		310	0	04	00
	387	0	05	22		318	0	01	31
3. नबीपुर	304	0	01	85		311	0	02	23
	249	0	00	48		340	0	04	03
	80	0	04	32		322	0	03	26
	250	0	03	36		338	0	00	48
	251	0	00	09		363	0	04	60
	303	0	01	87		354	0	00	29
	181	0	00	77		360	0	01	10
	298	0	00	92					
	297	0	00	44					

(1)	(2)	(3)	(4)	(5)
9. रुहेलापुर	312	0	03	30
	323	0	05	58
	339	0	12	48
	555	0	00	45
	554	0	00	45
	568	0	06	02
	477	0	05	62
	681	0	00	28
	557	0	00	45
	573	0	04	14
10. बिहंग	566	0	00	74
	559	0	00	64
	493	0	02	14
	494	0	00	16
	514	0	03	84
11. नेकपुर सावितनगर	492	0	02	86
	524	0	01	82
	1307	0	00	07
	178	0	01	01
	1738	0	00	21
12. नेकपुर सावितनगर	1939	0	00	28
	142	0	09	53
	1832	0	00	30
	526	0	06	25
	179	0	01	68
	1903	0	00	46
	1311	0	00	80
	1740	0	00	22
	1312	0	00	52
	1798	0	00	73
	1306	0	01	26
	1787	0	01	45
	1841	0	02	56
	1799	0	02	04
	1302	0	02	79
	1795	0	01	04
	1309	0	00	46
	1310	0	00	46
	1736	0	03	91
	1812	0	00	21

[फा. सं. एल-14014/32/2010-जीपी]

के. के. शर्मा, अवर सचिव

New Delhi, the 15th June, 2011

S.O. 1643.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of natural gas from Dadri in the State of Uttar Pradesh to Panipat in the State of Haryana, R-LNG Spur Pipeline should be laid by the Indian Oil Corporation Limited;

And, whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of the notification, as published in the Gazette of India are made available to the general public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land, to Shri Vidya Shankar Singh, Competent Authority, Indian Oil Corporation Limited, Dadri-Panipat R-LNG Pipeline Project, SA-4, Shastri Nagar, Near Old Hapur Chungi, Ghaziabad (Uttar Pradesh).

SCHEDULE

Teh. : Ghaziabad Distt. : Ghaziabad State:Uttar Pradesh

Name of Village	Khasra No	Area		
		Hectare	Are	Square Meter
1	2	3	4	5
1. Saadatnagar	310	0	01	98
Iqla	331	0	03	88
	338	0	00	82
	349	0	00	05
	352	0	00	15
	301	0	01	09
	302	0	01	14
2. Dasna	4347	0	00	96
	4113	0	02	64
	4114	0	01	21
	4102	0	00	84
	4097	0	01	00
	4100	0	01	31
	4098	0	06	30
	3946	0	04	23

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
2. Dasna (Contd.)	4007	0	00	12	7. Duhai	1430	0	01	41
	4008	0	01	37		1421	0	00	54
	4005	0	00	42		1479	0	07	90
	4003	0	04	00		1455	0	04	21
	3989	0	02	45		1450	0	00	12
	3845	0	06	02		1415	0	01	59
	3846	0	03	81		1482	0	00	89
	1100	0	00	60		1468	0	01	37
	1095	0	03	22	1. Mohiddinpur	405	0	00	89
	1117	0	02	61	Hisali	386	0	01	03
	1131	0	12	58	2. Basantpur	358	0	01	06
	134	0	00	54	Saintli	764	0	05	57
	104	0	02	97		396	0	06	02
3. Rasulpur	248	0	01	00		325	0	01	04
Sikrauda	262	0	01	01		350	0	10	16
	426	0	01	68		353	0	00	60
	267	0	00	56		759	0	06	22
	270	0	02	58		755	0	08	43
4. Sadarpur	907	0	00	94		333	0	03	05
5. Matiyala	348	0	02	66		747	0	00	86
	334	0	00	24		361	0	03	22
	42min	0	00	56		744	0	00	88
	540	0	02	98		761	0	05	50
	436	0	02	48		762	0	09	08
	606	0	00	60		387	0	05	22
	627	0	03	26	3. Nabipur	304	0	01	85
	543	0	01	28		249	0	00	48
	349	0	01	49		80	0	04	32
	626	0	04	58		250	0	03	36
	428	0	02	00		303	0	01	87
	40	0	01	30		181	0	00	77
	31	0	00	40		298	0	00	92
	450	0	01	41		297	0	00	44
	530	0	01	73		251	0	00	09
	635	0	03	49	4. Milak	297	0	00	57
	536	0	00	64	Chakarpur	268	0	02	43
	633	0	00	97		269	0	01	19
	638	0	01	97		292	0	00	18
6. Kanauja	687	0	04	50		295	0	01	33
	685	0	01	56					
	786	0	00	51					
	782	0	00	04					
	670	0	02	85					

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
Milak Chakarpur	3	0	01	26	Rohillapur—Contd.	554	0	00	45
—Contd.	49	0	01	09		568	0	06	02
	8	0	00	35		477	0	05	62
	291	0	00	32		681	0	00	28
	45	0	02	96		557	0	00	45
	40	0	00	91		573	0	04	14
	50	0	00	87		566	0	00	74
	281	0	01	02		559	0	00	64
	5	0	01	36		493	0	02	14
	293	0	00	08	10. Bihang	494	0	00	16
	294	0	00	28		514	0	03	84
	4	0	00	62		492	0	02	86
	341	0	00	95		524	0	01	82
5. Kishan	43	0	04	73	11. Nekhpur Sabit	1307	0	00	07
Chandpur Patti.	15	0	01	47	Nagar	178	0	01	01
	41	0	01	89		1738	0	00	21
	35	0	00	09		1939	0	00	28
	17	0	01	30		142	0	09	53
6. Manauli	388	0	00	35		1832	0	00	30
	394	0	01	58		526	0	06	25
	390	0	00	06		179	0	01	68
7. Sultannagar	295	0	01	58		1903	0	00	46
Chajjupur	294	0	00	19		1311	0	00	80
	289	0	01	25		1740	0	00	22
8. Husainpur	320	0	01	21		1312	0	00	52
	310	0	04	00		1798	0	00	73
	318	0	01	31		1306	0	01	26
	311	0	02	23		1787	0	01	45
	340	0	04	03		1841	0	02	56
	322	0	03	26		1799	0	02	04
	338	0	00	48		1302	0	02	79
	363	0	04	60		1795	0	01	04
	354	0	00	29		1309	0	00	46
	360	0	01	10		1310	0	00	46
	312	0	03	30		1736	0	03	91
	323	0	05	58		1812	0	00	21
	339	0	12	48					
9. Rohillapur	555	0	00	45					

[F. No. L-14014/32/2010-G.P.]

K. K. SHARMA, Under Secy.

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 18 मई, 2011

का.आ. 1644.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कांडला पोर्ट ट्रस्ट, गांधीधाम कच्छ के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या पुराना 100/2009 नई संख्या 1002/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-5-2011 को प्राप्त हुआ था।

[सं. एल-37011/32/95-आईआर (एम)]

जोहन तोपनो, अवर सचिव

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 18th May, 2011

S.O. 1644.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. Old 100/2009 New 1002/2004) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the industrial dispute between the employers in relation to the management of Kandla Port Trust (Kutch) and their workmen, which was received by the Central Government on 4-5-2011.

[No. L-37011/32/95-IR(M)]

JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present :

Binay Kumar Sinha,
Presiding Officer,
CGIT-cum-Labour Court,
Ahmedabad, Dated, 1st April, 2011

Reference: ITC No. 100 of 2009 Old

Reference: CGITA of 1002 of 2004 New

Kandla Port Trust,
A. O. Building,
Gandhidham (Kutch)

....First Party

And their Workmen

Shri Hashubhai Dave.
General Secretary,
Transport & Dock Workers Union,
21, Yogesh Building,
Plot No. 586, Ward 12-C,
Gandhidham (Kutch) - 370201.

....Second Party

For the first party : Shri Y.K. Singh, Senior Labour Officer, Kandla Port Trust.

For the second party : Shri M.L. Belani, General Secretary, Transport and Dock Workers Union

AWARD

Record put up in the Camp Court held at Gandhidham where both parties management of Kandla Port Trust through Senior Labour Officer on one side, and the Union, General Secretary for the workmen on the other side filed joint application containing their signature for mutually settling the dispute and making request to dispose of the Reference accordingly. Joint application submitted by the party marked at Ext. 8 and the record was kept reserve for award.

The appropriate Government, Ministry of Labour, Government of India vide order No. L-37011/32/95-IR (Misc) dated 18-3-1996. As per Ext. 1 referred the dispute for adjudication by this Tribunal under the schedule Reference “Whether the demand of Transport & Duck Workers Union against the management of Kandla Port Trust for stepping up of pay retrospectively of S/Sh. Pukaram L., Jetha and Kanji Laxman, Sr. Khalasis, on the ground that their juniors (S/Shri Desar Laxman and Bindraprasad, Sr. Khalasis) were drawing higher pay of Rs. 1480 w.e.f. 01-08-1993, justified? If so, to what benefits the workmen are entitled and what directions are necessary in the matter?”

The second party union filing the statement of claim at Ext. 2, made grievances against the Kandla Port Trust for stepping up of pay retrospectively of S/Sh Pukaram L. others. The management of Kandla Port Trust first party filed written statement at Ext. 5 disputing the demand of the union contending therein that the demand is unjustified and without any merit and the action taken by the management is as per rules and orders of the Govt. of India.

As per Ext. 8, all the 3 workmen Shri Pukaram L. Shri Harji Jetha and Shri Kanji Laxman who were promoted to the post of senior khalasi in April 1991 have retired one by one and so, the union agreed with the management not to pursue the case any further and for disposed of case.

Now in view of mutual understanding between the parties their remains no dispute. So, considering Ext. 8 this case is disposed of and no dispute award is passed.

BINAY KUMAR SINHA, Presiding Officer

नई दिल्ली, 18 मई, 2011

का.आ. 1645.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कांडला पोर्ट ट्रस्ट गांधीधाम कच्छ के प्रबंधतंत्र के संबद्ध नियोजकों और उनके

कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या पुराना 110/2009 नई संख्या 1014/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-5-2011 को प्राप्त हुआ था।

[सं. एल-37011/3/96-आईआर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 18th May, 2011

S.O. 1645.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. Old 110/2009 New 1014/2004) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the industrial dispute between the employers in relation to the management of Kandla Port Trust (Kutch) and their workmen, which was received by the Central Government on 4-5-2011.

[No. L-37011/3/96-IR(M)]

JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present.

Binay Kumar Sinha,
Presiding Officer,
CGIT-cum-Labour Court;
Ahmedabad, Dated 1st April, 2011

Reference: ITC No. 110 of 2009 Old

Reference: CGITA of 1014 of 2004 New

Kandla Port Trust,
A.O. Building,
Gandhidham (Kutch)

...First Party

And their Workmen

Smt. Sitabai Mera,
S/Shri Devji R. Chauhan,
Kishin Dara and Dalpat Shiva

General Secretary,
Transport & Dock Workers Union,
21, Yogesh Building,
Plot No. 586, Ward 12-C,
Gandhidham (Kutch) - 370201.

...Second Party

For the first party : Shri Y.K. Singh, Senior Labour Officer, Kandla Port Trust.

For the second party : Shri M.L. Belani, General Secretary, Transport & Dock Workers Union, Kandla

AWARD

Record put up in the Camp Court held at Kandla, Gandhidham were both parties management of Kandla Port Trust through Senior Labour Officer on one side. And the Union, General Secretary for the workman on the other side filed joint application contending their signature for mutually settling the dispute and making request to dispose of the Reference accordingly. Joint application submitted by the party was marked Ext. 7 and the record was kept reserve for award.

The appropriate Government, Ministry of Labour, Government of India vide order No. L-37011/3/96-IR (Misc) dated 31-5-1995. As per Ext. 1 referred the dispute for adjudication by this Tribunal under the schedule Reference “Whether the demand of the Transport and Dock Workers Union, Gandhidham against the management of Kandla Port Trust that the part-time sweepers Smt. Sitabai Mera, S/Sh Devji R. Chauhan, Kishin Dara and Dalpat Shiva working in Schools and dispensary should be paid equal to 1/2 days wages of regular sweepers, with increase in Variable Dearness Allowances and wages revision, just, valid and legal? If so, to what benefits the workmen are entitled for and what directions are necessary in the matter?”

The second party union by filing the statement of claim made grievances against the Kandla Port Trust for regularizing the concerned workmen to the post of part-time sweepers. The management of Kandla Port Trust first party filed written statement disputing the demand of the union contending therein that the demand is unjustified and without any merit.

Subsequently the management of Kandla Port Trust considering the demand of the concerned workmen through union, regularized Shri Devji R. Chauhan, Shri Kishin Dara, Shri Dalpat Shiva and Smt. Sitabai Mera to the regular post of sweeper accept Shri Dalpat Shiva who was not reporting for duty since 1994-97. Both parties by filing a joint application at Ext. 7 have arrived at amicable settlement that the dispute which is pending for adjudication as per Reference has been satisfied and so, by filing joint application containing signatures of General Secretary, Transport of Dock Workers Union Kandla on one hand and Senior Labour Officer for the first party management on another hand, jointly request for disposing of this case.

Having considered the joint application at Ext. 7 that the Union raising the demand for regularizing the workmen to the post of sweeper has been satisfied by the first party management. One of the workman concern Shri Dalpat Shiva since not reporting for duty for considerable long period the union is satisfied that other 3 workmen involved in this

case have already regularized by the management Kandla Port Trust and so, mutually agreed not to contest in this Reference.

In view of Ext. 7 the parties are having at no dispute, so no dispute award is passed.

BINAY KUMAR SINHA, Presiding Officer

नई दिल्ली, 18 मई, 2011

का.आ. 1646.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कांडला पोर्ट ट्रस्ट गांधीधाम कच्छ के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या पुराना 774/2008 नई संख्या 955/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-5-2011 को प्राप्त हुआ था।

[सं. एल-37012/6/92-आई आर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 18th May, 2011

S.O. 1646.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. Old 774/2008 New 955/2004) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Kandla Port Trust (Kutch) and their workman, which was received by the Central Government on 4-5-2011.

[No. L-37012/6/92-IR(M)]

JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present :

Binay Kumar Sinha,
Presiding Officer,
CGIT-cum-Labour Court,
Ahmedabad, Dated 1st April, 2011

Reference: ITC No. 774 of 2008 Old

Reference: CGITA of 955 of 2004 New

Kandla Port Trust,
A.O. Building,
Gandhidham (Kutch)

... First Party

And their Workman
Shri Issa Mussa
President K.P.K.S,
T.E.X.-S-94,
Gandhidham (Kutch) -370201

... Second Party

For the first party : Shri Y.K. Singh, Senior Labour Officer, Kandla Port Trust.
For the second party : Shri Mohan Aswani, President of K.P.K.S

AWARD

Record put up in the Camp Court held at Kandla, Gandhidham where both parties management of Kandla Port Trust through Senior Labour Officer on one side, and the Union, General Secretary for the workman on the other side filed joint application containing their signatures for mutually settling the dispute and making request to dispose of the Reference accordingly. Joint application submitted by the party was marked Ext. 19 and the record was kept reserve for award.

The appropriate Government, Ministry of Labour, Government of India vide order No. L-37012/6/92-IR (Misc) dated 27-12-1993. As per Ext. 1 referred the dispute for adjudication by this Tribunal under the schedule Reference—“Whether the action of the management of Kandla Dock Labour Board in refusing to reinstate Shri Issa Mussa, Casual Workers in service even after producing medical certificate for the period of his absence from duty from July, 1979 to April 1991 from the Government Hospital, Gandhidham is justified? If not, to what relief, the workman is entitled to?”

The second party union by filing the statement of claim at Ext. 7 made grievances against the Kandla Port Trust for reinstatement, off Shri Issa Mussa as casual worker. The management of Kandla Port Trust first party filed written statement at Ext. 10 disputing the demand of the union contending therein that the demand is unjustified and without any merit.

The parties in this case have arrived at settlement by mutual understanding that the concerned employee Shri Issa Mussa was employed by the first party management since December 1973 and he worked for 242 days only during the entire period from July 1973-1977 and thereafter he left the job without intimation from November 1977 to till 1991 i.e. for period of 14 years and so, having no force in demand raised by the union in his reinstatement, agreed with the management of Kandla Port Trust on mutual understanding no to pursue the case further, and for disposing of this case accordingly.

Considering the situation that the concern workman left the job and also abundant himself and so union agreed not to raise dispute any further.

In view of the amicable settlement through Ext. 19 the terms of Reference requires no adjudication in view of the mutual settlement. Therefore, this case is disposed off and no dispute award is passed.

BINAY KUMAR SINHA, Presiding Officer

नई दिल्ली, 18 मई, 2011

का.आ. 1647.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कंडला पोर्ट ट्रस्ट गांधीधाम कच्च के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय ए अहमदाबाद के पंचाट (संदर्भ संख्या पुराना 58/2009 नई संख्या 612/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-5-2011 को प्राप्त हुआ था।

[सं. एल-37012/5/94-आईआर (एम)]
जोहन तोपनो, अवर सचिव

New Delhi, the 18th May, 2011

S.O. 1647.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. Old 58/2009 New 612/2004) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Kandla Port Trust (Kutch) and their workman, which was received by the Central Government on 4-5-2011.

[No. L-37012/5/94-IR(M)]

JOHAN TOPNO, Under Secy.

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL—
CUM-LABOUR COURT, AHMEDABAD**

Present :

Binay Kumar Sinha,
Presiding Officer,
CGIT-cum-Labour Court,
Ahmedabad, Dated 1st April, 2011

Reference: ITC No. 58 of 2009 Old

Reference: CGITA of 612 of 2004 New

Kandla Port Trust,
A.O. Building,
Gandhidham (Kutch)

And their Workman

Shri Arjan V. Chawda

General Secretary,

Transport & Dock Workers, Union,

21, Yogesh Building,

Plot No. 586, ward 12-C,

Gandhidham (Kutch) - 370201

... Second Party

For the first party : Shri Y.K. Singh, Senior Labour Officer, Kandla Port Trust.

For the second party : Shri M.L. Belani, General Secretary, Transport & Dock Workers Union, Kandla

AWARD

Record put up in the Camp Court held at Kandla, Gandhidham were both parties management of Kandla Port Trust through Senior Labour Officer on one side. And the Union, General Secretary for the workman on the other side filed joint application containing their signatures for mutually setting the dispute and making request to dispose of the Reference accordingly. Joint application submitted by the party was marked Ext- 12 and the record was kept reserve for award.

The appropriate Government, Ministry of Labour, Government of India vide order No. L-37012/5/94-IR (Misc) dated 07-3-1995. As per Ext.1 referred the dispute for adjudication by this Tribunal under the schedule Reference. "Whether the action of the management of Kandla Port Trust, Gandhidham, in promoting Shri Arjan V. Chawda, Cleaner, to the post of Driver (Motor) on ad hoc basis and keeping him on ad hoc basis for more than 2 years and not regularizing him till other cleaners became eligible and qualified for the post of Driver (Motor), is valid, just and legal? If not, to what benefits Shri A.V. Chawda is entitled for?"

The second party union by filing the statement of claim made grievances against the Kandla Port Trust for regularizing him to the post of driver (Motor). The management of Kandla Port Trust first party filed written statement disputing the demand of the union contending therein that the demand is unjustified and without any merit. The concern workman Aryan V. Chawda examined in chief and was cross-examined by the first party management of Kandla Port Trust. And the case was coming on for leading evidence of the first party management

Subsequently the management of Kandla Port Trust considering the demand of the concern workman through union, and as per office order dated 28-08-2001, he was regularize w.e.f. 17-11-1990 to the post of driver (Motor).

... First Party

On issuing of the modified order as to regularization of the concern workman with other workman's the management of Kandla Port Trust and the union arrived at amicable settlement, in this case by filing joint application at Ext. 12, incorporating that both the parties are not willing to continue with the case, further and for disposing of the case accordingly.

As per Ext. 12 their remains no disputes between the parties to the Reference and the parties are not willing to continue with case, further the concern workman has been promoted as driver (Motor) on regular basis by the management of Kandla Port Trust and thus the demand, as per schedule has been satisfied by the management. So, this Reference is disposed of since the demand of the union has been satisfied and there remains no any dispute. Accordingly no dispute award is passed

Dictated

BINAY KUMAR SINHA, Presiding Officer

नई दिल्ली, 18 मई, 2011

का.आ. 1648.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कांडला पोर्ट ट्रस्ट गांधीधाम कच्च के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या पुराना 56/2009 नई संख्या 608/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-5-2011 को प्राप्त हुआ था।

[सं. एल-37012/6/94-आईआर (एम)
जोहन तोप्नो, अवर सचिव]

New Delhi, the 18th May, 2011

S.O. 1648.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. Old 56/2009 New 608/2004) of the Central Government Industrial Tribunal cum-Labour Court, Ahmedabad, now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Kandla Port Trust (Kutch) and their workmen, which was received by the Central Government on 4-5-2011.

[No. L-37012/6/94-IR(M)]

JOHAN TOPNO, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL—
CUM-LABOUR COURT, AHMEDABAD****PRESENT :**

Binay Kumar Sinha,
Presiding Officer,
CGIT-cum-Labour Court,

Ahmedabad, Dated 1st April, 2011

Reference: ITC No. 56 of 2009 Old

Reference: CGITA of 608 of 2004 New

Kandla Port Trust,
A.O. Building,
Gandhidham (Kutch)

... First Party

And their Workmen
Sari Knji Hadu Mali,
President, K.P.K.S.,
T.C.X-S-94,

Gandhidham (Kutch)- 370 201. ... Second Party

For the first party : Shri Y. K. Singh, Senior Labour Officer, Kandla Port Trust.

For the second party : Shri Mohan Aswani, President of K.P.K.S.

AWARD

Record put up in the Camp Court held at Gandhidham where both parties management of Kandla Port Trust through Senior Labour Officer on one side, and the Union President for the workman on the other side filed joint application containing their signatures for mutually settling the dispute and making request to dispose of the Reference accordingly. Joint application submitted by the party was marked at Ext. 28 and the record was kept reserve for award.

The appropriate Government, Ministry of Labour, Government of India vide order No. L-37012/6/94-IR (MISC) dated 3-2-1995. As per Ext. 1 referred the dispute for adjudication by this Tribunal under the Schedule Reference— “Whether the demand of Kandla Port Karamchari Sangh, Gandhidham, for rectification of the date of Birth of Shri Kanji Hadu Mali, under Executive Engineer (T.D.); Kandla Port Trust from 1-3-1939 as per Medical Certificate of the Chief Medical Officer, Kandla Port Trust to 5-4-1942 as per School Leaving Certificate is just, legal and valid? If so, to what benefits the workman is entitled to ?”

The second party union by filing the statement of claim at Ext. 2 made grievances against the Kandla Port Trust rectification of the date of Birth of Shri Kanji Hadu Mali. The management of Kandla Port Trust first-party filed written statement at Ext. 9 disputing the demand of the union contending therein that the demand is unjustified and without any merit.

Through Ext. 28 the parties arrived at such understanding that the concerned workman Shri Kanji Hadu Mali has already been superannuated from the

services of the Kandla Port Trust on attending the age of superannuation in March 1997 and admissible terminal dues had been received by the said workman and that an interim order dated 6-5-1997 had been passed by the Industrial Tribunal in this case, but the same was vacated by the Hon'ble High Court of Gujarat by order dated 18-6-1997 passed in C.A. No. 4287/97 further, it has been agreed by the parties that the said workman subsequently died on 1-11-2003 and due to such developments the union has decided not to pursue the case any further.

In view of Ext. 28 there remained no dispute regarding the date of birth of the concerned workman now dead) according to his date of birth 1-3-1939 he was superannuated at the end of March 1997, so, there remained no issue for any adjudication on his date of birth being 5-4-1942 as per School Leaving Certificate. The union under the mutual agreement through Ext. 28 with the first party management now intends for disposal of the case accordingly.

In view of the aforesaid facts contained in Ext. 28 there remains no any issue for adjudication and so, the Reference is disposed of and no dispute award is passed.

Dictated

BINAY KUMAR SINHA, Presiding Officer

नई दिल्ली, 18 मई, 2011

का.आ.1649.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कांडला पोर्ट इंस्ट गांधीधाम कच्छ के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या पुराना 55/2009 नई संख्या 607/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-5-2011 को प्राप्त हुआ था।

[सं. एल-37011/11/94-आईआर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 18th May, 2011

S.O. 1649.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. Old 55/2009 New 607/2004) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad, now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Kandla Port Trust (Kutch) and their workmen, which was received by the Central Government on 4-5-2011.

[No. L-37011/11/94-IR(M)]

JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL— CUM-LABOUR COURT, AHMEDABAD

PRESENT:

Binay Kumar Sinha,
Presiding Officer,
CGIT-cum-Labour Court,
Ahmedabad, Dated 1st April, 2011

Reference: ITC No. 55 of 2009 Old

Reference: CGIT of 607 of 2004 New

Kandla Port Trust,
A.O. Building,
Gandhidham (Kutch)

... First Party

And their Workmen
Shri A. B. Thacker

President,
Kandla Port Karamchari Sangh,
T.C.X.-S-94,
Gandhidham (Kutch) : 370 201

... Second Party

For the first party : Shri Y. K. Singh, Senior Labour Officer, Kandla Port Trust.

For the second party : Shri Mohan Aswani, President of K.P.K.S.

AWARD

Record put up in the Camp Court held at Gandhidham where both parties management of Kandla Port Trust through Senior Labour Officer on one side and the Union President for the workman on the other side filed joint application containing their signatures for mutually settling the dispute making request to dispose of the Reference accordingly. Joint application submitted by the party was marked Ext. 15 and the record was kept reserve for award.

The appropriate Government, Ministry of Labour, Government of India vide order No. L-37011/11/94-IR (MIS C) dated 3-2-1995. As per Ext. I referred the dispute for adjudication by this Tribunal under the Schedule Reference— “Whether the demand of Kandla Port Karamchari Sangh, Gandhidham, against the management of Kandla Port Trust for considering the case of Shri A. B. Thacker, Supervisor (W&W) for seniority promotion is just, valid and legal? If so, to what benefits the workman is entitled to and what directions are necessary?”

The second party union by filing the statement of claim made grievances against the Kandla Port Trust for promoting him to the post of Supervisor for seniority. The management of, Kandla Port Trust, first party filed written statement disputing the demand of the union contending therein that the demand is unjustified and without any merit.

During pendency of this case the concern workman Shri A. B. Thacker superannuated from the services of the first party w.e.f. 30-6-1995 and admissible terminal dues have already been received by him and so, the union arriving at amicable settlement with the management of Kandla Port Trust. Now does not intend to make contest in this Reference. By filing Ext. 15 both parties have agreed that this case be disposed of accordingly.

Now the parties are not at any dispute in this case as per mutual understanding contained in Ext. 15, so this case is disposed of and no dispute award is passed.

Dictated

BINAY KUMAR SINHA, Presiding Officer

नई दिल्ली, 18 मई, 2011

का.आ. 1650.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कांडला पोर्ट ट्रस्ट गांधीधाम कच्छ के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय अहमदाबाद के पंचाट (संदर्भ संख्या पुराना 152/2004 नई संख्या 1059/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-5-2011 को प्राप्त हुआ था।

[सं. एल-45025/2/97-आईआर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 18th May, 2011

S.O. 1650.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. Old 152/2004 New 1059/2004) of the Central Government Industrial Tribunal/Labour Court Ahmedabad, now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Kandla Port Trust (Kutch) and their workman, which was received by the Central Government on 4-5-2011.

[No. L-45025/2/97-IR(M)]

JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL— CUM-LABOUR COURT, AHMEDABAD

PRESENT : Binay Kumar Sinha, Presiding Officer,
CGIT-cum-Labour Court,
Ahmedabad, Dated 1st April, 2011

Reference: ITC No. 152 of 2004 Old

Reference: CGITA of 1059 of 2004 New

Kandla Port Trust,
A.O. Building,
Gandhidham (Kutch) ... First Party

And their Workman

Shri M. P. Bhatia,

President,

Kandla Port Karamchari Sangh,

T.C.X.-S-94,

Gandhidham (Kutch) 370201

...Second Party

For the first party : Shri Y. K. Singh, Senior Labour Officer, Kandla Port Trust.

For the second party : Shri Mohan Aswani, President of K.P.K.S.

AWARD

Record put up in the Camp Court held at Kandla, Gandhidham where both parties management of Kandla Port Trust through Senior Labour Officer on one side, and the Union, President for the workman on the other side filed joint application containing their signatures for mutually settling the dispute and making request to dispose of the Reference accordingly. Joint application submitted by the party was marked Ext. 8 and the record was kept reserve for award.

The appropriate Government, Ministry of Labour, Government of India vide order No. L-45025/2/97-IR (MISC) dated 23-7-1997. As per Ext. I referred the dispute for adjudication by this Tribunal under the schedule Reference— “Whether the action of the management of Kandla Port Trust, in changing the designation of Shri M.P. Bhatia from Mistry (Caretaker) to senior Caretaker without following the procedures laid down under Section 9A of the Industrial Disputes Act, 1947 and retiring him at the age of 58 years instead of 60 years at par with other employees of same category is justified? If not, to what relief the workman is entitled?”

The second party union by filing the statement of claim at Ext. 4 made grievances against the Kandla Port Trust for designation him to the post of Mistry Caretaker) to Senior Caretaker. The management of Kandla Port Trust first party filed Written statement at Ext. 7 disputing the demand of the union contending therein that the demand is unjustified and without any merit.

During pendency of this case the parties to the Reference amicably settled the matter in issue on such consideration that the concern workmen Shri M. P. Bhatia, superannuated from the services of the Kandla Port Trust w.e.f. 31-12-1987 and subsequently also died on

24-2008 and that admissible terminal dues of Shri M.P. Bhatia (now late) has been released by the management of Kandla Port Trust and his widow Smt. Shila M. Bhatia has been extended the benefit of admissible pension by the management on 12-5-2008 and so, looking into above developments both the parties have mutually agreed for the disposing of the case by filing joint application at Ext. 8.

Their remains no dispute between the parties as such this case is disposed of by passing no dispute award.

BINAY KUMAR SINHA, Presiding Officer
नई दिल्ली, 18 मई, 2011

का.आ. 1651.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कांडला पोर्ट द्रॉप गांधीधाम कच्छ के प्रबंधनत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/प्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या पुराना 267/2009 नई संख्या 1207/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-5-2011 को प्राप्त हुआ था।

[सं. एल-37011/10/2002-आईआर (एम)]
जोहन तोपनो, अवर सचिव

New Delhi, the 18th May, 2011

S.O. 1651.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. Old 267/2009 New 1207/2004) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Kandla Port Trust (Kutch) and their workman, which was received by the Central Government on 4-5-2011.

[No. L-37011/10/2002-IR(M)]

JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL— CUM-LABOUR COURT, AHMEDABAD

PRESENT:

Binay Kumar Sinha,
Presiding Officer,
CGIT-cum-Labour Court,
Ahmedabad, Dated 1st April, 2011

Reference: ITC No. 267 of 2009 Old

Reference: CGITA of 1207 of 2004 New

Kandla Port Trust,
A.O. Building,
Gandhidham (Kutch)

...First Party

And their Workman

Shri B. D. Mistry

President,

Kandla Port Karamchari Sangh,
T.C.X.-S-94,

Gandhidham (Kutch) 370 201

... Second Party

For the first party : Shri Y. K. Singh, Senior Labour Officer, Kandla Port Trust.

For the second party : Shri Mohan Aswani, President of K. P. K. S.

AWARD

Record put up in the Camp Court held at, Gandhidham where both parties management of Kandla Port Trust through Senior Labour Officer on one side and the Union, President of union for the workman on the other side filed joint application containing their signatures for mutually settling the dispute and making request to dispose of the Reference accordingly. Joint application submitted by the party was marked Ext. 6 and the record was kept reserve for award.

The appropriate Government, Ministry of Labour, Government of India vide order No. L-37011/10/2002-IR (M) dated 8-10-2002. As per Ext. 1 referred the dispute for adjudication by this Tribunal under the schedule Reference— “Whether the action of the management of Kandla Port Trust, Gandhidham, to revert back Shri B. D. Mistry, who was promoted on regular basis on 8-9-1999 as Auto-cum-Diesel Mechanic is legal or justified? If not, what relief the workman is entitled for and since when?”

The second party union by filing the statement of claim made grievances against the Kandla Port Trust for reverting him from the post of Auto-cum-Diesel Mechanic” The management of Kandla Port Trust first party filed written statement disputing the demand of the union contending therein that the demand is unjustified and without any merit.

During pendency of this case both parties arrived at settlement by filing Ext. 6 that the management of Kandla Port Trust has subsequently promoted the concern workman Shri B. D. Mistry to the post Diesel Mechanic w.e.f. 6-6-2001 and considering such bonafied approach of the first party management, the second party union not to pursue the case further and so filed joint application containing signature of President, K.P.K.S. for the second party and Senior Labour Officer for the first party management.

In view of mutually agreed position in this case between the parties their remains no disputed issue in the

terms of Reference for having any adjudication, rather due to mutual agreement between the parties, their remains no dispute and the parties agreeing to disposal of case.

Accordingly no dispute award is passed

BINAY KUMAR SINHA, Presiding Officer

नई दिल्ली, 18 मई, 2011

का.आ. 1652.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कांडला पोर्ट ट्रस्ट गांधीधाम (कच्छ) के प्रबंधतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या पुस्ता 112/2009 नई संख्या 1030/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-5-2011 को प्राप्त हुआ था।

[सं. एल-37012/7/96-आईआर (एम)]

जोहन तोप्ना, अवर सचिव

New Delhi, the 18th May, 2011

S.O. 1652.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. Old 112/2009 New 1030/2004) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the industrial dispute between the employers in relation to the management of Kandla Port Trust (Kutch) and their workman, which was received by the Central Government on 4-05-2011.

[No. L-37012/7/96-IR(M)]

JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL— CUM-LABOUR COURT, AHMEDABAD

PRESENT : BINAY KUMAR SINHA, Presiding Officer,
CGIT cum Labour Court,
Ahmedabad, Dated 1st April, 2011

Reference: ITC No. 112 of 2009 Old

Reference: CGITA of 1030 of 2004 New

Kandla Port Trust,
A.O. Building,
Gandhidham (Kutch)

...First Party

And their Workman
Shri B. S. Yadav,

General Secretary,
Transport & Dock Workers, Union,
21, Yogesh Building,

Plot No. 586, ward 12-C,
Gandhidham (Kutch) - 370201.

....Second Party

For the first party : Shri Y. K. Singh, Senior Labour Officer, Kandla Port Trust.

For the second party : Shri M. L. Belani, General Secretary, Transport & Dock Workers union (H.M.S.), Kandla

AWARD

Record put up in the Camp Court held at (Gandhidham) where both parties management of Kandla Port Trust through Senior Labour Officer on one side. And the Union, General Secretary for the workman on the other side filed joint application containing their signatures for mutually settling the dispute and making request to dispose of the Reference accordingly. Joint application submitted by the party was marked Ext. 12 and the record was kept reserved for award.

The appropriate Government, Ministry of Labour, Government of India vide order No. L-37012/7/96-IR (MISC) dated 13-11-1996, as per Ext. 1 referred the dispute for adjudication by this Tribunal under the schedule Reference— “Whether the action of the management of Kandla Port Trust, Gandhidham in not promoting Shri B.S. Yadav, Fireman, after he passed the Station Officer’s Course in December 1981 but promoting Shri B.B. Kaushik as Station Officer w.e.f. 23-8-1988 immediately after passing the Station Officer’s Course and fixing his pay higher than Shri B.S. Yadav, valid, just and legal? If not what benefits Shri B.S. Yadav, Station Officer is entitled for and what directions are necessary in the matter?”

The second party union by filing the statement of claim made grievances against the Kandla Port Trust for not promoting him to the post of Station Officer. The management of Kandla Port Trust first party filed written statement disputing the demand of the union contending therein that the demand is unjustified and without any merit. Shri B. K. Kaushik was senior to Shri B.S. Yadav and so his pay was fixed higher than him.

Subsequently the management of first party and the union arrived at amicable settlement that the basic issue regarding seniority has been diluted since Shri B.B. Kaushik has left the job of the first party. and the concerned workman Shri B. S. Yadav has also been promoted to the post of Deputy Fire Officer on the same date. So, their remains no force in the demand whereas the demand of the union has been satisfied. By filing joint application at Ext. 6 the parties have mutually decided to file joint representation before this Tribunal requesting to dispose of the case accordingly.

In view of Ext. 6 their remains no dispute between the parties and there also remains no issue in the terms of Reference as per schedule. So, no dispute award is passed.

BINAY KUMAR SINHA, Presiding Officer

नई दिल्ली, 19 मई, 2011

का.आ. 1653.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उत्तर रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट (संदर्भ संख्या 50/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-5-2011 को प्राप्त हुआ था।

[सं. एल-41012/290/99-आईआर (बी-1)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 19th May, 2011

S.O. 1653.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 50/2000) of the Central Government Industrial Tribunal/Labour Court Kanpur, now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Northern Railway and their workman, which was received by the Central Government on 18-5-2011.

[No. L-41012/290/99-IR(B-1)]

RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE SRI RAM PARKASH, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, KANPUR.

Industrial Dispute No. 50 of 2000

Between

Sri Jagrup son of Sri Ram Dularey, Gang man,
Resident of Village Khargupur Bargala
Post Naurangabad Begas
District Fatehpur.

And

The Divisional Railway Manager,
Northern Railway,
Allahabad.

AWARD

1. Central Government, Mol New Delhi, vide notification No:L-41012/290/99 IR (B-1) dated 24-05-2000 has referred the following dispute for adjudication to this tribunal.

2. Whether the action of the management of Northern Railway Allahabad in not allowing duties to Sri Jagrup with effect from 24-10-93 is justified? If not, what relief the workman is entitled for?

3. Brief facts are

4: It is alleged by the claimant that he was engaged as a casual labour in the year 1984, as a gang man by the opposite party and he was asked to work under the control and supervision of Assistant Engineer (Special TRT) Northern Railway, Aligarh. To declare him as permanent he was subjected to medical test and he was found fit and he was declared fit on 03-11-87 and he was granted the scale of Rs.775-1025. In the year 1988 he was granted temporary status under PWI PQRS Northern Railway, Tundla. GPF was also being deducted from his salary. Thereafter he was sent to work under PWI TRD N.R. Malwa and he was working there.

5. On 16-10-93 PWI TRT Malwa, issued a transfer order for him and he was transferred to work under PWI, Ludhiana. This transfer order was given to him. After taking this transfer order he went to PWI Ludhiana for his duties on 18-10-93, but after taking the transfer order he wrote an endorsement and forwarded to PWI Jammutavi for his posting. On this the claimant appeared before PWI Jammutavi on 19-10-93 and requested for duty, but the PWI Jammutavi made an endorsement at the reverse of the transfer order to PWI Ludhiana making an endorsement that there is no name of the claimant in the transfer list so he sent back to PWI Ludhiana. After coming from JammuTavi he appeared before PWI Ludhiana on 20-10-93 and he requested for duty, but he did not provide him work saying that the name of the workman is not in the transfer order dated 24-2-92, whereas in the transfer order dated 10-10-93, there is a reference of order dated 24-02-92. It was also written that the worker should go to Malwa and he should report for duty there. On this the claimant came back and appeared before PWI Malwa on 24-10-93, and he produced the letter on which there was a endorsement of PWI Ludhiana and Jammutavi as well and he requested for duty, but he did consider his request. When they did not consider his request for duty then he submitted applications dated 15-1-94, 28-3-94, 21-4-97 and 27-2-98 to the Senior Officer and requested them to provide him the duty. After submission of so many letters when he did not get any reply he personally approached the office of Division Engineer III Northern Railway Allahabad and he came to know that the gang of TRT / PQRS has been abolished so he could not be provided duty now. He was made aware of these facts orally in the month of June 1996 thereafter also he submitted applications before the higher authorities but they did not listen his prayer. It is also alleged that other workers who working with him in PQRS gang are still working but the opposite party is not providing him the job with effect from 24-10-93 has

committed illegality and it is an unjustified act of the opposite party. His services have not been terminated by following any prescribed procedure like conducting inquiry or punishing him. He has not been served with any notice and had not been paid retrenchment compensation whereas he has continuously worked more than 240 days in a year there is also violation of the provisions of Section 25F of the Act by the opposite party.

6. Therefore, he has prayed that the action of the opposite party be declared as illegal and unjustified and the opposite party be directed to provide him duty with effect from 24-10-93 and he has also prayed for other consequential benefits.

7. Opposite party has filed the written statement. Opposite has admitted his employment in the year 1984 as a casual labour as gang man. It is also admitted that he was granted the scale of Rs. 775-1025 in the year 1987. It is stated that he was not granted temporary status but he was found fit in B-1 category and in the year 1988 he was granted scale of Rs. 775-1025 on daily rate basis. It is stated that PQRS is a mobile unit and it functions in the entire northern railway wherever the need arose and accordingly the workers are deployed. It is stated that the working place of PQRS is not permanent. A temporary head quarter is created at the working place and in the sequence PQRS Tundla was shifted to Malwa. It is stated that it is wrong to say that there is no name of the workman in the transfer order. It is also stated that when the workman himself received the transfer letter he should have personally seen his name in the transfer list. If his name was not there he should not have gone. It is also stated that the matter is in between PWI Jammutavi and PWI Ludhiana which did fall under DRM, NR, Allahabad. It is stated that when there were no work for the whole gang then the whole gang was transferred to PWI, Ludhiana, as the working place is not permanent of gang. Therefore, providing duty under PWI Malwa question does not arise because when there is no sanctioned post, the salary cannot be drawn. It is stated that the workman has not sent letters to PWI Malwa and DRM, NR, Allahabad or Divisional Engineer NR, Allahabad. It is stated that in this way the workman should have done the correspondence with PWI, Ludhiana and DRM, NR, Ambala. It is stated that the workman does not want to work under PWI Ludhiana and PWI, Jammutavi. The demand made by claimant to work under PWI, Malwa is wrong. It is stated that the claimant has not done his duty voluntarily since 1992 and he is not an official under the pay roll. It is stated that the service book and other service record have been sent to PWI, Ludhiana whereas other employees who were transferred they have taken over the duty under PWI Ludhiana. It is stated that question of issuing notice does not arise as the worker has not been removed from service. The workman has not himself joined the duties at the new place. Therefore, they have prayed that the claim

of the claimant be rejected and he is not entitled to any relief.

8. Claimant has also filed rejoinder wherein nothing new has been explained.

9. Both the parties have filed documentary as well as oral evidence.

10. Claimant has adduced himself in evidence as Jagrup, MW.1 Opposite party has adduced two witnesses Sri C B Mishra Section Engineer as M.W.1 and Sri Tej Pal Singh, Assistant Engg. N.R. as M.W.2.

11. Heard and perused the record.

12. It is an admitted fact that Sri Jagrup was engaged in the year 1984 as a gang man. He was also put to medical test where he was found fit. He was also granted a regular pay scale of Rs. 775-1025. in this way he had been in service since 1984 to 16-10-93, therefore, there is no force in the contention of the opposite party saying that no rights have accrued to the workman under the provisions of Industrial Disputes Act, 1947.

13. Now the short question to be decided in this case whether the workman himself has voluntarily surrendered his services, whether he did not go to join his duties, when he was transferred from PWI, Malwa to PWI, Ludhiana. This is only the crucial point where the whole case is revolving. It is a fact that a letter which is paper No. 24/1 which is original, which has been filed by the claimant, is before the Court. The whole crux lies in this letter. My Learned Predecessor has passed an order on 1-10-03 considering the nature of the case and it was directed that the management will produce PWI, Ludhiana and Jammutavi who were posted in 1993. In this compliance the opposite party has produced only one witness i.e. M.W.2 Sri Tej Pal Singh who was posted as PWI Jammutavi. His statement is very important. He has stated on oath that on 19-10-1993 he was posted as PWI, Jammutavi. He stated that one letter dated 16-10-93 relating to workman Jagrup which was issued by TRT Malwa and referred to Ludhiana was produced before him. On this letter he has sought office report. After taking the report he has passed an order which is in his hand writing. He stated that as per rules Jagrup could not be taken on duty in this way he has written his report,

14. On the back of this letter the endorsement is like this the said employee is not included in the list of staff transfer from PWI/PN hence he may be directed subordinate (as per list) to whom he was sent along with other employees for absorption as DCG/Man. Moreover over he has not brought his fit certificate of railway doctor which is must to take him back on duty signed by PWI Jammutavi dated 19-10-93.

15. Witness of the opposite party has clearly proved this document. The wording (moreover he has not brought his fit certificate) indicates that the workman personally appeared. Statement given by MW.2 also nowhere indicates that workman Jagrup did not appear before him. W.W.1 has specifically stated in his claim statement as well as in his evidence on oath that after taking the transfer order i.e. the application which is paper No.24/1 and is dated 16-10-93, he has personally gone and handed over this letter and had requested to provide him the duty but as his name was not in the transfer list so PWI, Ludhiana and Jammutavi refused to take him on duty. After a thorough scrutiny I found the statement of the claimant on this point is believable and the version of the opposite party on the point that the workman has not gone to join his duty after transfer is not believable. The contention of the opposite party that it was the duty of the workman to see that if his name was not there in the transfer list then he should not have gone. I think that this is a undesirable contention. Sri Jagrup was simply a casual worker, how could he raise such type of objection before a senior officer. It was the duty of the management to, check and see whether the name of the workman was in the transfer list or not. Management had also issued him a pass for his duty which is paper no.23/1. This relates to the period December 1993. On the one side the opposite party is alleging in their written statement that the claimant has surrendered his services in the year 1992. I think that this is a false aversion. Management has himself admitted that he was transferred on 16-10-93 but he did not go for joining. the duty on transfer. These are the contradictory aversions.

16. One more contention has been raised by the opposite party that the original letter which is paper No.24/ filed by the claimant, in this letter the date has been incorporated or forged by the claimant. They have drawn my attention towards the photocopy filed by the opposite party. I have gone through both the documents. The version of the opposite party is also not believable because the statement given by M.W.2 has specifically stated on oath that the letter dated 16-10-93 was produced before him and he has made an endorsement. Moreover, it was the duty of the management to show that if this was undated then what could have been the date. Management is silent on this point. I have also gone through this fact whether putting the date 16-10-93 helps the workman in any way. I do not find any such substance that the date 16-10-93 helps to the workman in any undesirable way. So the contention raised by the management that the workman has put the date himself does not carry any weight.

17. Statement given by W.W.1 on oath that after taking letter paper No.24/1 he appeared before PWI Ludhiana. But PWI, Ludhiana said that his name was not in the transfer list and PWI, Ludhiana has forwarded this letter to PWI, Jammutavi and he went to and appeared before PWI, Jammutavi. He was also not taken on duty by

PWI, Jammutavi and then he came back before the PWI, Malwa. This fact is proved not only by W.W.1 but the evidence of the opposite party as M.W.2 has also admitted all these facts and paper No.24/1 bears all these endorsements.

18. The claimant stated that he appeared before PWI Malwa. He verbally requested for providing him the duty and when he did not consider his request then he moved applications to the senior officer, photocopies of which has been filed by the claimant vide list 8/1.

19. It is also contended by the claimant that he has put in more than 8 years since 1984 to 1993 if there was any fault or misconduct against the workman then the management could have conducted an inquiry or issued him a show cause notice or charge sheet. I find that there is a force in this contention.

20. Therefore, considering all the facts and circumstances I am of the view that the action of the management in not providing the duty to the workman with effect from 24-10-93 is not justified. It appears that it is like removal of service by an oral order which cannot be held to be justified. Hence considering the facts workman has to be taken in service back.

21. But considering the facts and circumstances and the long period I found it will be just for both the parties if the workman is provided 50% of back wages since 24-10-93, and he should also be provided all those benefits which were available to him when he was in service.

22. Therefore, reference is decided accordingly in favour of the claimant and against the management.

RAM PARKASH, Presiding Officer

नई दिल्ली, 19 मई, 2011

का.आ. 1654.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय जीवन बीमा निगम के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचाट (संदर्भ संख्या 762/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-5-2011 को प्राप्त हुआ था।

[सं. एल-17012/17/2002-आई आर (बी-1)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 19th May, 2011

S.O. 1654.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 762/2005) of the Central Government Industrial Tribunal/Labour Court-II, Chandigarh as shown in the Annexure in the industrial dispute between the employers in relation to the management of LIC of India and their workman, which was received by the Central Government on 18-5-2011.

[No. L-17012/17/2002-IR(B-1)]

RAMESH SINGH, Desk Officer

ANNEXURE

**IN THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-II,
CHANDIGARH**

Present: Sri A.K. Rastogi, Presiding Officer

Case No. I.D. 762/2KS

Registered on 05-09-2005

Sh. Jasmer Singh S/o Sh. Natha Singh, R/o V.P.O. Singh
Bhagwantpur, District Ropar (Punjab)-140001.

.... Applicant

Versus

.... Respondent

The Divisional Manager, L I C of India, Divisional
Office, Sector 17, Chandigarh-160017.

APPEARANCES

For the workman : Sh. Sandeep Sihag/J.S. Maan,
Advocates.

For the Management : Sh. P.K. Longia, Advocate

AWARD

Passed on May 4, 2011

Central Government vide Notification No. L-17012/17/2002-IR(B-I)) dated 10-02-2003, by exercising its powers under Section 10, Sub section (I) Clause (d) and Sub-section 2(A) of the Industrial Disputes Act, 1947 (hereinafter referred to as Act) has referred the following industrial dispute for adjudication to this Tribunal :

“Whether the action of the management of Life Insurance Corporation of India in terminating the services of Sh. Jasmer Singh, Ex-Pump Operator-cum-watchman w.e.f. 20-06-2000 without any notice and without payment of retrenchment compensation is legal and justified ? If not, what relief is the concerned workman entitled and from which date ?”

The workman has raised an industrial dispute by stating that he had been appointed on 21-05-1997 as Pump Operator-cum-Watchman in LIC Branch at Roopnagar and had worked for more than 240 days till 20-06-2000 when his services were terminated in violation of Section 25F of the Act. He has claimed his reinstatement and regularization.

The claim was contested by the management and it was denied that the claimant had been appointed on 21-05-1997. According to the management the workman had been engaged after approval of the competent authority as a replacement of Shri Kuldeep Singh w.e.f. 01-06-1998 by the Senior Branch Manager, Life Insurance Corporation of India, Ropar on contractual basis as a stop-

gap arrangement. The services of the workman ended on 20-06-2000 on joining of regularly selected person appointed by the competent authority, as the workman had been engaged on contractual basis and the period of his contract came to an end on joining of regular watchman. His disengagement does not amount to retrenchment as per provisions of Section 2(oo)(bb) of the Act and he was not entitled to any benefits of the provisions of the Industrial Disputes Act. According to the management the workman is not entitled to any relief.

On the pleadings of the parties following issues arise for consideration :—

1. Whether the termination of the services of the workman amounts to retrenchment and is bad for non-compliance of the provisions of Section 25F of the Act ?
2. To what relief the workman is entitled ?

In support of his case the workman tendered in evidence his affidavit, Pay slips marked as WW/1/1 to WW-1/14 and copy of the letter marked as WW-1/15. On behalf of the management affidavit of Subhash Mahajan, Assistant Administrative Officer, Regional Office, Chandigarh and documents MW-1/1 to MW-1/10 were tendered in evidence.

I have heard the learned counsel for the parties and perused the record. My findings on various issues are as follows :—

Issue No. 1.

According to the claim statement the workman remained employed with the management as Pump Operator-cum-Watchman from 21-05-97 till 20-06-2000 when his services were terminated in violation of Section 25F of the Act and he had worked for more than 240 days till the termination of his services.

The management denies the appointment of workman with effect from 21-05-97. According to the management the workman had been engaged w.e.f. 01-06-98.

The workman in his cross-examination has stated that before joining service with the management he was working as labourer and he does not possess letter to show that he had joined service on 21-05-97. He has filed original and photo copies of certain Imprest Vouchers WW-1/1 to WW-1/14 but none of the Imprest Vouchers relates to the period from 21-05-97 to 31-05-98, hence, there is no ground to accept the claimant's version that he was in the employment of the management from 21-05-97. It may be mentioned here that for counting 240 days service the period of 12 calendar months preceding the date of termination is relevant and thus for that purpose the relevant period is from 21-06-1999 to 20-06-2000. But that is relevant when the termination of the services of the workman amounts to retrenchment.

Learned counsel for the management argued that the services of the workman ended on 20-06-2000 on joining of regularly selected person appointed by the competent authority. As the workman had been engaged on contractual basis and the period of his contract came to end on joining of regular watchman so his disengagement does not amounts to retrenchment as per provisions of Section 2(oo)(bb) of the Act. According to the management the workman had been engaged as a replacement of one Kuldeep Singh w.e.f. 01-06-1998. Management witness Subhash Mahajan in his cross-examination has stated that the terms of contract with Kuldeep Singh were to apply to the workman also. The terms of contract of Kuldeep Singh has been filed as Ex. M-2. The management witness has further stated in his cross-examination that the terms of contract were conveyed to the workman and he had accepted the same by writing Ex. M-5. It is important to note that the workman during cross-examination has also filed a copy of letter Ex. M-5. The document filed by the workman is marked as WW-1/15. Undertaking of Kuldeep Singh is Ex. M-2, according to which Kuldeep Singh had undertaken that he will have no right to claim service in L.I.C. of India either on temporary or permanent basis and the Corporation shall have an absolute right to terminate the contract at any time without assigning any reason. Ex. M-5 or MW-1/15 is a copy of the application-cum-Letter of the workman in which he had requested for his employment as a Watchman etc., Ex. M-7 is the sanction letter for the appointment of workman. Through this letter the Senior Branch Manager L.I.C. Branch Office, Ropar had been allowed to engage workman as Pump Operator-cum-Watchman on contractual basis almost on the same terms and conditions which were applicable in case of Kuldeep Singh.

The learned counsel for the workman disputed the arguments of the management. He argued that the terms of contract with Kuldeep Singh were not applicable to the workman. These terms of contract were never conveyed to the workman and in his application-cum-letter Ex. M-5 or WW-1/15 there is no mention of these terms and their acceptance by the workman.

A perusal of the material available on record shows that the argument of the management is not acceptable. The workman in his cross-examination has denied the suggestion of the management that he had been engaged on the same terms and conditions on which Kuldeep Singh had worked. The learned counsel for the workman is right in his arguments that Ex. M-5 the letter-cum-application of the workman offering his services for the job nowhere says that the workman would offer his service on the same terms and conditions as were applicable to Kuldeep Singh. In fact after this application-cum-letter of the workman, the Senior Branch Manager, Ropar had written to Manager (O.S.) L I C of India, Divisional Office, Chandigarh for permission to appoint the workman on

contract basis at a monthly payment of Rs. 1250 vide letter dated 25-04-1998 as Ex. M-4. Ex. M-7 is the sanction of the Manager (O.S.) for engaging the workman for the job on contract basis on the terms and conditions as were applicable in case of Kuldeep Singh but there is no evidence to show that the sanction order was ever conveyed to workman and he had consented to work on the same terms and conditions as were applicable in case of Kuldeep Singh. Even if it is accepted that workman had agreed to work on the same terms and conditions on which Kuldeep Singh was engaged, it may be seen that in Ex. M-2 there is nothing to show that the contract was for a specific period. Neither there was any condition that the services of the workman will be terminated as and when regular employee on the post is recruited. The termination of the services of a workman has been excluded under Section 2(oo)(bb) of the Act from the definition of "retrenchment" only in two cases viz :—

- (a) When it is a result of non removal of contract of employment on its expiry, or
- (b) When contract of employment was terminated under a stipulation in that behalf contained therein.

Therefore the plea of the management that the termination of the service of the workman is covered under the provisions of Section 2(oo)(bb) and is not a retrenchment cannot be accepted. The employment of regular employee on the post may be accepted as a valid reason for the termination of the services of the workman but it was retrenchment within the definition provided in Section 2(oo) of the Act.

Once it is held that the termination of the services of the workman amounts to retrenchment he becomes entitled to the benefit of Section 25F of the Act, if he had been in continuous service for not less than one year. As per own admission of the management the workman has been in service from 01-06-98 to 20-06-2000. Thus he was in continuous service for more than one year. Therefore, he was entitled to the said protection. Admittedly, the workman was not given any notice or notice pay and retrenchment compensation. His retrenchment is therefore, bad for non compliance of the provisions of Section 25F of the Act. Issue No.1 is, therefore, decided in favour of the workman.

Issue No. 2

A retrenchment in violation of Section 25F of the Act is void ab initio and non-est and ordinarily in such cases the workman is entitled to reinstatement. But in the present case as it is evident from Ex. M-8 to M-10 the regular appointment has been made on the post of Watchman and workman was not employed in due process hence, remedy of reinstatement is not available to him. He is however, entitled to compensation in lieu of

reinstatement and back wages etc. The workman was employed at a salary of Rs. 1250 per month. He remained in service for about two years. I think that a compensation of Rs. 1,50,000 will be just and proper in lieu of reinstatement and back wages. I find the workman entitled to this compensation.

From the above going discussions it is clear that the action of the management of L.I.C. of India in terminating the services of the workman without any notice and without payment of retrenchment compensation is not legal and justified and the workman is entitled to a compensation of Rs. 1,50,000 in lieu of reinstatement and back wages. The management is directed to pay the aforesaid compensation to the workman within a month from receiving the copy of the award. Let two copies of award be sent to the Central Government for further necessary action.

ASHOK KUMAR RASTOGI, Presiding Officer

नई दिल्ली, 23 मई, 2011

का.आ. 1655—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट (संदर्भ संख्या 54/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-5-2011 को प्राप्त हुआ था।

[सं. एल-40012/112/96-आईआर(डीयू)]

जोहन तोपनो, अवर सचिव

New Delhi, the 23rd May, 2011

S.O. 1655.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 54/98) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 23-5-2011.

[No. L-40012/112/96-IR (DU)]

JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE SRI RAM PARKASH, HJS, PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, KANPUR

Industrial Dispute no. 54 of 98

Between

Sri Onkar Singh, C/o Sri B. N. Singh, Civil Court, Aligarh

And

Telecom District Manager, Aligarh

AWARD

1. Central Government, MoI, New Delhi vide notification no. L-40012/112/96 IR(DU) dated 12-03-93, has referred the following dispute for adjudication to this tribunal—

2. Whether the action of the management of Telecom Dept. Aligarh to terminate the services of Sri Omkar Singh workman with effect from 1-12-94 is legal and justified ? If not, to what relief he is entitled to?

3. Brief facts are—

4. Case of the claimant is that he was engaged as a casual labour by the opposite party Telecom Department on 1-1-85, and he worked under Assistant Engineer Cables Tax Bhawan Agra from 1-1-85 to 31-12-87. Thereafter he worked from 10-11-91 to 30-11-94 under SDO Telegraph Aligarh as a casual labour. But the opposite party terminated his services by an oral order on 1-12-94 in an illegal way, whereas the claimant has been working with full honesty and sincerity. He had worked for more than 240 days in calendar year before his termination. During service he was getting Rs.61 per day as salary or wages. Before termination the opposite party has not issued him any notice or notice pay or paid retrenchment compensation in lieu of notice. There was no such type of agreement that his services were required for a specific period, therefore, the opposite party has committed the breach of Section 25F of I.D. Act 1947, therefore, he has prayed that the order of termination be declared as illegal and he be reinstated with consequential reliefs.

5. Opposite party has filed the written statement wherein it has been admitted by the opposite party that the claimant had worked under SDO Telegram from November 1991 to November 1994. For a total period of 1077 days he had worked. They stated that he has not worked during May 1992 for the whole month, did not work for three days in March 1994 and for two days in the year October 1994. It is stated that the claimant has failed to produce certified details of his working for the period 1-1-85 to 31-12-87, but it is stated that the claimant has not worked for 240 days or more in a calendar year.

6. It is stated that the claimant was engaged for a specific period and for specific work. When the work was finished his services came to end automatically. It is also stated that one month notice was issued by Inspector Telegram Charra Aligarh and information was given by Sub Inspector to SDO Telegram Aligarh. It is stated that he could not be engaged thereafter due to non-availability of work. It is also stated that the claimant has filed petition before the CAT Allahabad which was dismissed and thereafter the claimant filed a writ petition before the

Hon'ble High Court which is pending before the Hon'ble Court.

7. Claimant has also filed rejoinder but nothing new has been pleaded by him therein.

8. Both the parties have filed oral as well as documentary evidence.

9. Claimant has adduced himself as w.w.1 Sri Omkar Singh. Opposite party has produced two witnesses. By mistake both the witnesses of the opposite party have been marked as M.W.1 whereas M.W.1 is Sri Than Singh who was examined on 25-5-04 and N. P. Singh is M.W.2 was examined thereafter.

10. Documentary evidence will be discussed at the time of oral evidence.

11. Claimant has specifically stated on oath that he had worked from November 91 to November 1994 with the opposite party as a casual labour and on 1-12-94 he was removed by oral order. At the time of removal he was not served with any notice or notice pay or retrenchment compensation. He was not served with any charge sheet. He has stated that he has filed 6 documents. These are the true copies of the original and original are in possession and these documents are marked as Ext.W-1 to W-6. Paper no. 39/1-39/3 are the documents of his working certificate issued by the opposite party. These documents relate to the period 1991 to 1994.

12. I would like to say that the opposite party has specifically admitted in its written statement in para 2 regarding the working of the claimant since 1991 to 1993. Even if I take the calendar year from the date of his termination that is 1-12-94, it shows that the claimant had worked for 360 days in the calendar year December 1993 to November 1994 after excluding three days of March 1994 and two days of October 1994 as claimed by the opposite party. The certificate also shows the working of the claimant.

13. Opposite party witness M.W. 2 Sri N P Singh has also admitted this fact on oath in his statement.

14. Now this fact has been proved that the claimant had been in the engagement or employment of the opposite party since 1991 to 1994 and he was getting salary/wages from the opposite party. Therefore, a right has accrued to the claimant under the provisions of Section 25F of the Act. It has been repeatedly said by the Hon'ble Apex Court that the provisions of Industrial Disputes Act are in the nature of social legislation and it does not make any difference between, casual labour, temporary or permanent. The only condition is that if a workman is in continuous service within the meaning of Section 25-B, then certain rights have accrued to him and the opposite party is bound to follow the procedure mentioned in Section 25F of the Act.

15. Section 25F of the Act provide—No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until—

16. I would like to say that the above condition have been complied by the claimant.

17. Now it is obligatory on the part of the employer which is provided under Section 25-F-

18. (a) the workman has been given one months notice in writing indicating the reasons for retrenchment and the period of notice has expired or the workman has been paid in lieu of such notice wages for the period of the notice.

19.(b). the workman has been paid at the time of retrenchment compensation which shall be equivalent to 15 days average pay for every completed year of continuous service or any part thereof in excess of six months and

20. (c). Notice in the prescribed manner is served on the appropriate government.

21. Therefore provisions a, b, and c (supra) are mandatory to be followed.

22. Claimant has specifically denied that any notice was served upon him.

23. The provision of Section 25 a, b, and c are not independent to each other but the employer is obliged to follow all the conditions prescribed in a, b and c. It is the contention of the opposite party that a notice was served through Nathu Singh who is father of the workman stating that Nathu Singh was also serving at Aligarh in Telecom Department as SIT.

24. Opposite party has drawn my attention towards paper No. 10/53. Opposite party is claiming that it is a notice. I have examined this paper. This does not appear to be a statutory notice as per requirement of Section 25 (a) of the Act. It is an information given by Nathu Singh SIT to the senior officer. Opposite party has not proved that any notice which is mentioned in this information was given to the workman. For a moment for the sake of argument if it is taken that the opposite party has given the notice even then they have not complied with Section 25 (b) and (c) which is mandatory, therefore, the contention of the opposite party does not carry any weight that they have given notice and because Nathu Singh has engaged him hence he was removed.

25. Opposite party has also taken a contention that the father of the workman Sri Nathu Singh was working in the department and he has engaged him. The claimant has refuted this allegation saying that there is no such type of pleadings in the written statement. It is also contended by the claimant that the claimant was working under SDO and engaged by SDO and his salary was being paid by the public exchequer by the opposite party not only for months but year together. Therefore, I don't find any weight in the contention of the opposite party.

26. It is also the contention of the opposite party that the services of the workman were terminated on the basis of circular. They have drawn my attention towards paper No.10/54. The subject of this circular is casual laborer recruited after 30-03-85—confirmation of temporary status regarding. In this circular the department had demanded the information whether any fresh casual labour has been engaged or not. This circular does not empower any officer to terminate the services of any person or workman to whom the rights have accrued under the Industrial Disputes Act, 1947, under Section 25F. Similarly I have gone through another paper which is paper No.10/56-57 dated nil. The subject is casual labours (grant of temporary status and regularization) scheme. This circular also does not empower any officer for terminating the services of any workman in whose favour certain rights have been accrued under the provisions of Section 25F of the Act. This circular is more concerned in granting the temporary status and regularization for casual labours.

27. Regarding the previous period of the working of the claimant from 1985 to 1987 at Agra, opposite party has doubted the authenticity of this document and opposite party has produced MW I Sri Than Singh. For a moment if we leave this period of 1985 to 1987—even then there is confirm working of claimant for the period 1991 to 1994 which is eligible under the provisions of Industrial Disputes Act.

28. Opposite party has taken the contention that the claimant has also gone to the Hon'ble CAT, Allahabad and thereafter filed a writ petition before the Hon'ble High Court. I have gone through both the orders passed by CAT, Allahabad and Hon'ble Court, Allahabad. CAT, Allahabad has not decided the case on merit and has simply observed that surprisingly the order of termination has not been challenged, until the same is adjudicated and found to be contrary to law a direction for reinstatement cannot be given. Document on record show that the claimant's name, figure in the live casual register. Therefore, the CAT has not gone into the termination of the claimant. Moreover such type of facts can only be proved under a reference as referred by the Central Government under the provisions of the Act. Claimant has also approached the Hon'ble High Court challenging the order of CAT but at subsequent stage has withdrawn the same. Therefore, the claim of the workman regarding illegal termination has not been adjudicated.

29. I don't find any force in this plea of the opposite party.

30. It was also contended by the opposite party that the engagement of the claimant was for a specific work and for specific period. I have examined this aspect of the matter and find that opposite party has not been able to prove this fact, therefore, the contention of the opposite party is not acceptable.

31. Workman has placed reliance upon certain rulings such as :—

1. 2010(125)FLR 187 Supreme Court in between—

Krishna Singh and Executive Engineer, Haryana State Agricultures Marketing Board Haryana.

2. 2010(124)FLR 700 S.C. in between Harjinder Singh and Punjab State Warehousing Corporation.

32. The Hon'ble Apex Court has held in both the rulings (supra)—Industrial Disputes and other similar legislative instruments are Social Welfare Legislations—High Courts bound to interpret them keeping in view the goals set out in the preamble of the Constitution and provisions contained in chapter V thereof—State should secure a social order for promotion of welfare of the people and ensure equality between men and women.

33. In Krishan Singh's case also Hon'ble Court held, wide discretion is vested in the labour Court while adjudicating an industrial dispute relating to discharge or dismissal of a workman—if the labour Court after taking the pleadings of the parties and circumstances of the case came into consideration has directed reinstatement with 50% back wages. High Court could not interfere with such discretion. In this matter the labour Court had found that the respondent employer had not complied with the mandatory requirement of Section 25F of the Act.

34. Therefore, respectfully relying upon the decision of the Hon'ble Apex Court which is similar to the facts of this case, I find that the law propounded by the Hon'ble Apex Court applies with full swings to the facts and circumstances of the present case.

35. Opposite party has placed reliance upon a decision (2006)4 SCC 1 in between Secretarys State of Karnataka and others Versus Uma Devi and others.

36. I have considered the facts and circumstances of the present case in view of the law cited by the contesting parties and find the law cited by the opposite party and I find that it has no applicability on the case in hand.

37. Considering the overall discussion made herein above I find that the claimant has been able to prove his case and he is entitled for his reinstatement in the service.

38. So far as back wages is concerned, it is contended by the representative for the workman that he is not working anywhere after his termination. Workman has firstly gone to CAT, Allahabad and thereafter approached the Hon'ble High Court, Allahabad and it took a long time though may be on wrong advise of legal fraternity, considering the long duration in raising the present dispute, I find that it would meet the ends of justice to both the parties that if the claimant is provided 30% of his back wages along with his reinstatement.

39. Therefore, the claim is decided accordingly in favour of the claimant and against the opposite party.

RAM PARKASH, Presiding Officer

नई दिल्ली, 23 मई, 2011

का.आ. 1656.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधातंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या सीजीआईटी/एलसी/आर/107/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-5-2011 को प्राप्त हुआ था।

[सं. एल-40012/89/97-आईआर(डीयू)]

जोहन तोपनो, अवर सचिव

New Delhi, the 23rd May, 2011

S.O. 1656.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/LC/R/107/98) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 23-5-2011.

[No. L-40012/89/97-IR(DU)]

JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/107/98

PRESIDING OFFICER : SHRI MOHD. SHAKIR HASAN

Shri Bhupendra Singh,
S/o Shri Rameshchand, Village Bijora,
Post Baktal, Distt. Sehore (MP) ... Workman

Versus

Chief General Manager,
Telecommunication, M.P. Circle,
Dept. of Telecom,
Hoshangabad Road,
Bhopal (MP) ... Management

AWARD

Passed on this 4th day of May 2011

1. The Government of India, Ministry of Labour vide its Notification No.L-40012/89/97-IR(DU) dated 8-5-1998 has referred the following dispute for adjudication by this Tribunal :—

“Whether the action of the management of Chief General Manager, Telecommunication in terminating the services of Shri Bhupendra Singh S/o Ramesh Chand w.e.f. Aug. 1988 is justified. If not, to what relief the workman is entitled for ?”

2. The case of the workman, in short is that the workman Shri Bhupendra Singh was working since October

1986 continuously under the control of SDO, Telephone Sehore. He was terminated w.e.f. August 1988 without any notice. It is stated that he worked in the year 1986 for 78 days, in 1987 for 352 days and in the year 1988 for 242 days. It is stated that similar persons approached before the Hon'ble Central Administrative Tribunal and they had been regularized. It is submitted that the reference be answered in favour of the workman.

3. The management appeared and contested the reference by filing Written Statement. The case of the management inter alia, is that the applicant/workman was never engaged by the non-applicant/management as per the record of SDO, Telephone Sehore. His claim for regularization is not tenable. It is submitted that the reference be answered in favour of the management.

4. On the basis of the pleadings of the parties, the following issues are settled.

I. Whether the action of the management in terminating the services of Shri Bhupendra Singh w.e.f. August 1988 is justified ?

II. To what relief the workman is entitled ?

5. Issue No. I

To prove the case, the workman has adduced oral and documentary evidence. Now let us examine the evidence adduced by him. Exhibit W/1 is the letter of implementation of judgement of Assistant General Manager, Bhopal. The said photocopy of the letter is admitted by the management. This letter shows that the persons were reinstated on the basis of the judgement of the CAT, Jabalpur. These are of other persons who were casual labours. This letter does not prove that the case of the applicant/workman is similar to those workers. Exhibit W/2 is another letter dated 9-11-2000 of the management which is also admitted document. This letter shows that it was a direction to prepare a list of workers whose name were left out or other court pending cases but the said list is also of different persons. This itself shows that on verification, the workman was not found engaged in the department of the management. This letter does not also establish that he was working with the management. Thus the documentary evidence adduced by the workman does not prove his engagement with the management.

6. The workman Shri Bhupendra Singh is examined in the case. He has stated that he got appointment letter but the same was destroyed by rat. He has further stated that he got payment slips. In absence of these documents, his evidence is not reliable.

7. On the other hand, the management has examined one witness. The management witness Shri P.N. Panse is working as Divisional Engineer. He has stated that there is no record to show that he was ever engaged with the management. There was no relationship of employer and employee between the management and the workman. There is nothing in his cross-examination to disbelieve this witness. Thus it is clear that there is no evidence to show that there was any relationship of employer and the

employee between the management and the workman. This issue is answered in favour of the management and against the workman.

8. Issue No. II

On the basis of the discussion made above, it is clear that the workman has failed to establish that he had worked under the Control of the management. He is therefore not entitled to any relief. Accordingly, the reference is answered.

9. In the result, the award is passed without any order to costs.

10. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 23 मई, 2011

का.आ. 1657.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/श्रम न्यायालय नं. I, चंडीगढ़ के पंचाट (संदर्भ संख्या 30/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-5-2011 को प्राप्त हुआ था।

[सं. एल-40011/55/2002-आईआर(डीयू)]

जोहन तोपनो, अवर सचिव

New Delhi, the 23rd May, 2011

S.O. 1657.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 30/2003) of the Central Government Industrial Tribunal-cum-Labour Court No. I Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workmen, which was received by the Central Government on 23-5-2011.

[No. L-40011/55/2002-JR (DU)]

JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVT.
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH

Case ID No.30/2003

Surti Lal C/o The General Secretary,
Punjab Telecom Labour Union,
27349, Mohalla Hari Nagar,
Lal Singh Basti Road, Bhatinda,
Punjab-151001

....Applicant.

Versus

1. The General Manager, Telecom, BSNL, Ludhiana. -
2. The General Manager Telecom, BSNL, Pathankot-

....Respondent

APPEARANCES

For the workman:	None.
For the management:	Shri G.C. Babbar.

AWARD

Passed on 27-10-2010

Government of India vide notification No.L-40011/25/2002/IR(D.U) dated 25/02/2003, by exercising its powers under Section 10 of the Industrial Disputes Act, (the Act in short) has referred the following industrial dispute for adjudication to this Tribunal:

“Whether the action of the management of GMTD, BSNL, Ludhiana, where he served BSNL, Ludhiana for a period of 543 days and thereafter at SDOT, Dinanagar (Pathankot SSA) regarding non-grant of temporary status and subsequent regularization in accordance with DOT OM No. 269/10/89-STN dated 7-11-1989 to Shri Surti Lal S/o Sh. Sain Dass and also without complying with the provisions of the Industrial Disputes Act, 1947 is just and legal ? If not, so what relief the workman is entitled to ?”

2. Case is taken up for recording evidence of the management. Workman is not present. Representative of the workman is also not present. Witness of the management is present. The case is already seven year old. It appears that workman is not interested to pursue with the present reference. In view of the above, the present reference is returned to the Central Govt. for want of prosecution. Central Govt. be informed. File be consigned to record.

G. K. SHARMA, Presiding Officer

Chandigarh

27-10-2010

नई दिल्ली, 23 मई, 2011

का.आ. 1658.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (संदर्भ संख्या सीजीआईटी/एलसी/आर/103/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-5-2011 को प्राप्त हुआ था।

[सं. एल-40012/102/97-आईआर(डीयू)]

जोहन तोपनो, अवर सचिव

New Delhi, the 23rd May, 2011

S.O. 1658.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/LC/R/103/98) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of Department of Telecom and their workmen, which was received by the Central Government on 23-5-2011.

[No. L-40012/102/97-IR (DU)]

JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/103/98

PRESIDING OFFICER: SHRI MOHD. SHAKIR HASAN

Shri Babulal,

S/o Shri Dhan Singh,

Vill. Konajir,

PO Megraram, Distt. Sehore Workman

Versus

The Chief General Manager,

Telecommunication,

M.P. Circle,

Hoshangabad Road,

Bhopal ... Management

AWARD

Passed on this 3rd day of May 2011

1. The Government of India, Ministry of Labour vide its Notification No.L-40012/102/97/IR(DU) dated 13-5-1998 has referred the following dispute for adjudication by this tribunal :

"Whether the action of the management of Chief General Manager Telecommunication in terminating the services of Sh. Babulal S/o Shri Dhan Singh w.e.f. March 1988 is justified ? If not, to what relief the workman is entitled for ? Whether the department of Telecommunication is termed as an Industry or not? If not, to what benefit they are entitled for ?"

2. The case of the workman in short is that the workman was working since August 1982 continuously on Muster Roll in the direct control and supervision of SDO Telephone Sehore but his service was terminated illegally w.e.f. March 1988 without any notice. The workman had worked more than 240 days in a calendar year. It is stated similarly situated persons approached the Central Administrative Tribunal where the Hon'ble Tribunal directed the non-applicant/management for regularization

to Muster Roll employers. It is submitted that the reference be answered in favour of the workman.

3. The management appeared and contested the reference by filing Written Statement. The case of the management, inter alia is that the workman was never engaged by the non-applicant/management as per the record with SDO Telephone, Sehore . The question for regularization of the workman is baseless and is not tenable. It is submitted that the reference be decided in favour of the management.

4. On the basis of the pleadings and reference order, the following issues are for adjudication.

I. Whether the Department of Telecommunication is termed as an Industry or not ?

II. Whether the action of the management in terminating the services of the workman w.e.f. March 1988 is justified ?

III. To what relief the workman, if any, is entitled?

5. Issue No. I

None of the parties have raised this issue that non-applicant/Management is not an industry under the Industrial Disputes Act, 1947 (in short the Act, 1947). Accordingly this issue is decided in favour of the workman.

6. Issue No. II

According to the workman, he worked from August 1982 to March 1988 continuously under the direct control of SDO Telephone Sehore whereas the non-applicant/management denied his ever engagement. The burden lies with the workman to prove engagement. The workman has filed photocopy of the letter of the implementation of judgement of the CAT, Jabalpur passed in number of cases which is marked on admission as Exhibit W/1. This letter is filed to show that the other persons who were working with the management had been terminated but by the order of the CAT they were re-employed. This letter does not show that he was also working with the management as has been claimed by him. Another photocopy of the letter dated 9-11-2000 is filed by the workman which is also marked on admission as Exhibit W/2. The said letter appears to have been issued by Asstt. General Manager (HRD) for seeking permission for limited recruitment in the cadre of regular mazdoor in view of the CAT case. His name does not appear in the list of the letter. This letter further shows that the casual labour whose name was left out in the case, was to be considered with relevant documents. There is nothing on the record to show that the applicant/workman had ever approached with the management with documents of his continuous service from August 1982 to March 1988 and the management had not considered his case. There is no other documentary evidence to prove that he had ever worked with the management. Certain photocopies of the statements of the period said to have been worked was filed which are said to be verified by the authority but the same was denied by the management. The originals of the said statements are not filed and are not proved and

therefore these statements are inadmissible and not marked as exhibits. Thus the documentary evidence doesnot establish that the applicant/workman was ever engaged as casual labour on muster roll.

7. The workman Babulal is examined in the case. He has stated that he was casual labour and the affidavit is prepared on the basis of documents. As discussed above, it is clear that the documents do not prove that he was engaged by the management. His evidence appears to be not reliable. On the other hand that the management has examined Shri S.N. Panse who is working as Divisional Engineer. He has supported the fact that he was never engaged as per record of SDOT, Sehore. There appears to be no reason to conceal his document when the department had regularized number of other workers in view of the CAT Judgement. Thus it is clear that there is no sufficient evidence on the record to prove that the applicant/workman has ever worked with the management. This issue is decided in favour of the management and against the workman.

8. Issue No. III

On the basis of the discussion made above, it is clear that there is no sufficient evidence to establish that the workman was worked with the management. As such the workman is not entitled to any relief. The reference is accordingly answered.

9. In the result, the award is passed without any order to costs.

10. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 23 मई, 2011

का.आ. 1659.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (संदर्भ संख्या सीजीआईटी/एलसी/आर/265/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-5-2011 को प्राप्त हुआ था।

[सं. एल-40012/61/99-आई आर (डी.यू.)]
जोहन तोपनो, अवर सचिव

New Delhi, the 23rd May, 2011

S.O. 1659.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/LC/R/265/99) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 23-5-2011.

[No. L-40012/61/99-IR (DU)]
JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/265/99

PRESIDING OFFICER : SHRI MOHD. SHAKIR HASAN

Shri Rakesh Kumar Savita,

S/o Shri Gajendra Singh,

R/o Mahavirpura,

Nr. Mata Mandir,

Morena (MP)

....Workman

Versus

The Chief General Manager,

Dept. of Telecommunication,

Hoshangabad Road,

M.P. Circle,

Bhopal (MP)

...Management

AWARD

Passed on this 6th day of May, 2011

I. The Government of India, Ministry of Labour vide its Notification No.L-40012/61/99/IR(DU) dated 30-7-99 has referred the following dispute for adjudication by this Tribunal :—

“Whether the action of the Chief General Manager, Telecom in terminating the services of Sh.Rakesh Kumar Savita is legal and justified ? If not, to what relief the workman is entitled ?”

2. The applicant/workman did not appear inspite of proper notice. The then Tribunal proceeded the reference ex parte against the workman on 1-11-06.

3. The management appeared and filed Written Statement. The case of the management in short is that the applicant/workman was engaged by the contractor who had taken contract work from the Department of Telecommunication and the work was completed long back. He was never employed by the management at any stage of time. It is submitted that the reference be answered in favour of the management.

4. On the basis of the pleading and reference order, the following issues are framed.

I. Whether the action of the management in terminating the service of Shri Rakesh Kumar Savita is legal and justified?

II. To what relief the workman is entitled?

5. Issue No. I :

According to the management, the applicant/workman was never employed. The burden was on the workman to establish relationship of employer and employee. The management has also not filed any evidence

in support of his pleading. This is a case of no evidence. The issued is accordingly answered.

6. Issue No. II

Since the workman has not appeared and has not claimed any relief. As such he is not entitled to any relief. Accordingly the reference is answered.

7. In the result, the award is passed without any order to costs.

8. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 23 मई, 2011

का.आ. 1660.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधतत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या सीजीआईटी/ एलसी/आर/177/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-5-2011 को प्राप्त हुआ था।

[सं. एल-40012/108/98-आईआर(डीयू)]

जोहन सोपनो, अवर सचिव

New Delhi, the 23rd May, 2011

S.O. 1660.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/LC/R/177/99) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 23-5-2011.

[No. L-40012/108/98-IR (DU)]

JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/177/99

PRESIDING OFFICER: SHRI MOHD. SHAKIR HASAN

Shri Ranvir Singh,

Vill: Oretti,

Pakkapura, PO Rajodha,

The Porsa, Morena (MP),

.... Workman

Versus

Chief General Manager,

Dept. of Telecommunication,

Hoshangabad Road, M.P. Circle,

Bhopal (MP)

...Management

AWARD

Passed on this 6th day of May, 2011

I. The Government of India, Ministry of Labour vide its Notification No.L-40012/108/98/IR(DU) dated 23-4-99 has referred the following dispute for adjudication by this Tribunal :—

“Whether the action of the management of Chief General Manager, Telecom in terminating the services of Sh.Ranvir Singh is legal and justified ? If not, to what relief the workman is entitled ?”

2. The workman did not appear in the case and inspite of proper notice. Lastly the then Tribunal proceeded exparte against the workman on 14-12-07.

3. The management appeared in the case and filed Written Statement. The case of the management in short is that the Hon'ble Tribunal has already decided the reference in CGIT/LC/R/12/96 on 2-8-2001 as Issue No. II. It is stated that the principle of res-judicata is applicable and therefore the reference is not maintainable. It is submitted that the reference be accordingly answered.

4. On the basis of the pleading and reference order, the following issues are framed.

I. Whether the action of the management in terminating the service of Shri Ranvir Singh is legal and justified?

II. To what relief the workman is entitled?

5. Issue No. I

The management has not adduced any oral evidence. Only the copy of the award dated 2-8-01 passed in reference case No. CGIT/LC/R/12/96 is filed. The learned counsel for the management has urged that by the said award, the principle of res-judicata is applicable. On perusal of the copy of the said award, it is clear that the said award is against another workman namely Ram Sevak Kori and is not against this workman of this case. This itself shows that the principle of resjudicata is nor applicable as that award was not passed against the present workman namely Shri Ranvir Singh.

6. There is no evidence on the record to show that the workman has worked for more than 240 days in twelve calendar months prior to the date with reference. There is no other evidence to show that he was regular employee. Thus it is clear that the action of the management is justified and legal. This issue is decided in favour of the management.

7. Issue No. II

On the basis of the discussion made above, it is clear that there is no case of the workmam on the record that any provision of the Industrial Disputes Act, 1947 was violated in termination of his service. He is therefore not entitled to any relief. The reference is accordingly answered.

8. In the result, the award is passed without any order to costs.

9. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 23 मई, 2011

का.आ. 1661.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूरसंचार विभाग के प्रबंधतत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या सीजीआईटी/एलसी/आर/184/95) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-5-2011 को प्राप्त हुआ था।

[सं. एल-40012/8/93-आई आर(डीयू)]

जोहन तोपनो, अवर सचिव

New Delhi, the 23rd May, 2011

S.O. 1661.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.CGIT/LC/R/184/95) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 23-5-2011.

[No. L-40012/8/93-IR (DU)]

JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

Case No. CGIT/LC/R/184/95

Presiding Officer : Shri Mohd. Shakir Hasan

Shri Vinod Kumar Chirar,
S/o Shri Dalchand Chirar,
Ram Mandir Road,
Zila Zamalpura,
Bhopal (MP)

...Workman

Versus:

The Divisional Engineer,
Telecommunication,
Bhopal

...Management

AWARD

Passed on this 5th day of May 2011

1. The Government of India, Ministry of Labour vide its Notification No.L-40012/8/93-IR(DU) dated 30-10-95 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the management of Divisional Engineer Telecom, Bhopal in terminating the services of Shri Vinod Kumar Chirar is legal and justified? If not, to what relief the workman is entitled to?”

2. The case of the workman, in short, is that the workman Shri Vinod Kumar Chirar was appointed as Driver against the vacant post on 30-7-91 and he worked continuously till 16-7-1992 when he was terminated by verbal order. He worked more than 240 days during the period of one year but he was not paid any retrenchment compensation. It is stated that while he was on leave, the said vehicle met with an accident and he was made accused falsely in the accident case. When he protested, he was terminated from the service. It is submitted that the workman be reinstated with back wages.

3. The management appeared and filed Written Statement to contest the reference. The case of the management, interalia, is that he was engaged purely on casual basis subject to requirement as a driver but was never issued any appointment letter nor any assurance was given for regularization on the post of driver. It is denied that he worked 240 days in a year. It is stated that on 18-9-91, the workman met an accident causing a loss of Rupees One Lac to the department by way of payment of compensation to the injured. After accident, the department proposed to hold enquiry. However the workman failed to report on duty from 7-7-92. He had himself abandoned his service and the question of termination does not arise. It is stated that the provision of Section 25-F of the Industrial Dispute Act, 1947 (in short the Act, 1947) is not applicable. It is submitted that the action of the management be declared to be legal and justified.

4. On the basis of the pleadings of the parties, the following issues are for adjudication.

I. Whether the workman had worked 240 days in a year preceding the date with reference in accordance with Section 25 B of the Act, 1947?

II. Whether action of the management in terminating the service of the workman is legal and justified?

III. To what relief the workman is entitled?

5. On perusal of the pleadings and evidence of the parties, the following facts are admitted.

1. The workman Shri Vinod Kumar Chirar was engaged on casual basis as a driver.

2. He was not noticed nor any compensation was paid under the provision of the Act, 1947.

3. The workman was driving the Vehicle bearing No. MP-04E-528.

4. The said vehicle met an accident and a criminal case was filed.

5. The workman was acquitted of the criminal charges in the said accident case.

6. Log Book of the said vehicle was maintained.

6. Now the important point for decision is also whether the workman completed 240 days in 12 months preceding the date with reference. The workman has stated that he was engaged on 30-7-91 and worked continuously till 16-7-92 and completed more than 240 days. Whereas the management has contended that he was engaged intermittently on casual basis and had never completed 240 days. The order dated 8-11-2007 of the reference case shows that the log book of the said vehicle was demanded by the workman to be produced in Court but management submitted that it was weeded out and in its support an affidavit was filed. The affidavit does not show that as to on which date it was weeded out. However the workman has filed the photocopy of the log Book. This fact is supported and proved by the workman in his subsequent evidence at Para-6 which is paper No. Ex.P/1 (Pages No 1 to 51). The photocopy of the Log Book shows that it is of Vehicle MP-04E-528. The Log Book starts from 26-9-91 and ends on 31-5-92. This photo copy of the log book shows that he worked 245 days within 12 months preceding the date with reference. The evidence of the workman further shows that the management has not challenged the workman in cross-examination. This document establishes that the workman had worked 240 days during the period of 12 months preceding the date with reference as required under Section 25 B of the Act, 1947. Moreover the management is custodian of the records of its employee and it is the obligation of the management to produce the relevant records to rebut the claim Non production of the relevant records obviously creates a presumption of the adverse inference against the management. The Hon'ble Court has also held in a decision reported in 2011 LAB I.C.(NOC) (P&H) Bharat Bhushan vrs. Chandigarh Administration & ors.

7. The workman Vinod Kumar Chirar is examined twice in the case. He has stated that he was engaged verbally on the post of Driver on casual basis. He has further stated that Log Book was maintained and he and his Officer Shri M.M.Sharma is also examined by the management and had also supported that officer used to sign on the Log Book. He has supported that he worked more than 240 days. His evidence corroborates the documentary evidence.

8. On the other hand, the management has examined two witness. Shri Madan Mohan Sharma is presently working as Divisional Engineer, M. P. Circle Bhopal. He supported the fact that the workman was engaged on casual basis from 30-7-91 and was terminated on 7-7-92. He has stated that Log Book was maintained. He has stated that there is no record to show as to how many days he worked. This shows that the contention of

the management that the workman had not worked 240 days, is not substantiated. Another management witness is Shri Firoz Ahmad. He is Sub Divisional Engineer. He was not in service at the relevant period. He has come to say about the weeding out of the Log Book. He has stated that the Log Book was not weeded out in his presence and he has no knowledge as to when it was destroyed. He appears to be not competent witness. There is no other document to rebut the oral and documentary evidence of the workman. Thus it is clear from the evidence on record that the workman worked more than 240 days during the period of 12 months preceding the date with reference. This issue is, therefore, decided in favour of the workman and against the management.

9. Issue No. II

It is an admitted fact that the management had not given any notice nor any retrenchment compensation under the provision of Section 25F of the Act. The above discussion shows that the workman had worked for a period of one year during a period of twelve calendar months preceding the date with reference under the provision of Section 25 B(2)(a) of the Act, 1947. Since the workman was not terminated after compliance of the provision of Section 25-F of the Act, 1947 the action of the management is not legal and justified. Accordingly this issue is also decided in favour of the workman and against the management.

10. Issue No. III

On the basis of the discussion made above, it is evident that the termination of the workman was illegal and unjustified. The learned counsel for the workman submits that the workman is suffering from Cancer. I find that the workman was last engaged in the year 1992 and is suffering from cancer and therefore the relief of reinstatement cannot be justified and instead monetary compensation would meet the ends of justice. Accordingly the management is directed to pay a compensation of Rs. 1,00,000 (Rupees One Lac) to the workman in lieu of reinstatement within two months from the date of award. The reference is, thus, answered.

11. In the result, the award is passed without any order to costs.

12. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 23 मई, 2011

का.आ. 1662.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की भारा 17 के अनुसरण में, केन्द्रीय सरकार दूरसंचार विभाग के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट

(संदर्भ संख्या सीजीआईटी/एलसी/आर/101/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-5-2011 को प्राप्त हुआ था।

[सं. एल-40012/97/97-आई आर(डीयू)]

जोहन तोपनो, अवर सचिव

New Delhi, the 23rd May, 2011

S.O. 1662.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.CGIT/LC/R/101/98) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 23-5-2011.

[No. L-40012/97/97-IR (DU)]

JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

Case No. CGIT/LC/R/101/98

Presiding Officer : Shri Mohd. Shakir Hasan

Shri Badrilal Dashwant,
S/o Siddnath Dashwant,
C/o Lunia Mohalla,
Distt. Sehore (MP) Workman

Versus

Chief General Manager,
Telecommunication, M.P. Circle,
Hoshangabad Road,
Bhopal

....Management

AWARD

Passed on this 2nd day of May, 2011

1. The Government of India, Ministry of Labour vide its Notification No.L-40012/97/97-IR(DU) dated 13-5-98 has referred the following dispute for adjudication by this tribunal:-

“ Whether the action of the management of Chief General Manager Telecommunication in terminating Shri Badrilal Dashwant S/o Siddhnath Deshwant w.e.f. August 88 is justified ? If not, to what relief the workman is entitled to? ”

2. The case of the workman in short, is that he was working since October 1986 till August 1988 continuously on muster roll under the direct control of the Sub Divisional Officer, Telephone Sehore. He was terminated without

giving any opportunity as he had worked more than 240 days in a calendar year and had acquired the status of regular employee. It is stated that similarly situated persons approached the Central Administrative Tribunal and the Hon'ble Tribunal directed the management to regularize the services of those persons. On these ground it is submitted that the termination be declared illegal and the workman be declared to be entitled for regularization in service.

3. The management appeared and filed Written Statement. The case of the management, interalia, is that the applicant/workman was never engaged by the management as per record available with SDO Telephone Sehore. As such the claim of regularization in service is not tenable. On these grounds, it is submitted that the reference be answered in favour of the management.

4. On the basis of the pleadings, the following issues are for adjudication-

- I. Whether the action of the management in terminating the service of the applicant/workman w.e.f. August 1988 is justified?
- II. To what relief the workman is entitled?

5. Issue No. I

According to the workman, he worked continuously since October 1986 to August 1988 whereas the management states that he was never engaged. The workman has filed a reply of the letter dated 13-1-1997 of the management which is marked as Exhibit W/1 on admission. The said letter shows that other workers filed cases before the Hon'ble CAT Jabalpur whereby the termination orders of those casual labours were quashed and they were regularized in the service. The name of the applicant doesnot appear in the said list of cases. Another letter dated 9-11-90 of Asstt. General Manager (HRD) is also marked as Exhibit W/2 on admission. This letter is filed to show that the management had verified the list of casual labours and it was directed by the AGM to forward the name with documents if any name was left out but his name doesnot appear in the said list. This shows that he was not on the roll of the management. Thus these documents do not prove that he was ever engaged by the management and had worked continuously as has been claimed by the applicant/workman.

6. The workman Shri Badrilal Dashwant is also examined in the case. He has orally claimed his engagement by the management. He has stated that payment slip was given to him but no such payment slip is filed to corroborate his case. The management has suggested that he was never employed with the management. In absence of the document the evidence of the workman is not reliable.

7. On the other hand, the management has examined Shri S.N.Panse in support of his case. He is presently

Divisional Engineer. He has stated that he was never engaged by the management as per record. He has been cross-examined but in cross-examination he further corroborate the case of the management. There is no reason to disbelieve his evidence. Thus it is established that he was never engaged by the management. This issue is decided in favour of the management and against the workman.

8. Issue No. II

On the basis of the discussion made above, it is clear that the workman is not entitled to any relief. Accordingly the reference is answered.

9. In the result, the award is passed without any order to costs.

10. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 24 मई, 2011

का.आ. 1663.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दी बैंक ऑफ राजस्थान के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जयपुर के पंचाट (संदर्भ संख्या 37/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-5-2011 को प्राप्त हुआ था।

[सं. एल-12012/239/2005-आई आर (बी-1)]

रमेश सिंह, अवर सचिव

New Delhi, the 24th May, 2011

S.O. 1663.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.37/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Jaipur now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of The Bank of Rajasthan Ltd. and their workman, received by the Central Government on 23-5-2011.

[No. L-12012/239/2005-IR (B-I)]

RAMESH SINGH, Desk Officer

अनुबन्ध

केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय,
जयपुर

सी.जी.आई.टी. प्रकरण सं. 37/2006

श्री एन. के. पुरोहित, पीठासीन अधिकारी

विज्ञप्ति सं. (रेफरेन्स नं. L-12012/239/2005-IR (B-I)

दिनांक 16-3-2006

The Secretary,
Bank of Rajasthan employees Union
C/o The Bank of Rajasthan Ltd.,
M.I.Road, Jaipur (Rajasthan)

V/s

The General Manager (P),
The Bank of Rajasthan Ltd., Central Office,
C-3, Sardar Patel Marg,
Jaipur (Rajasthan)

: पंचाट :

दिनांक 29-4-2011

केन्द्रीय सरकार के द्वारा उक्त विज्ञप्ति के जरिए निम्न विवाद औद्योगिक विवाद अधिनियम 1947 की धारा 10 के अन्तर्गत न्याय निर्णय किए जाने हेतु निर्देश किया।

“Whether the action of the management of the Bank of Rajasthan Ltd. Jaipur in terminating the services of Sh. Daulat Singh Chauhan, Caretaker from 23-2-2005 vide its Order no. 482 dated 23-2-2005 is legal & justified ? If not, to what relief the claimant is entitled to and from which date ?

निर्देश प्राप्त होने के पश्चात उभयपक्ष को रजिस्टर्ड नोटिस प्रेषित किए गए। पत्रावली के अवलोकन से प्रगट होता है कि प्रार्थी यूनियन के द्वारा क्लेम स्टेटमेन्ट दिनांक 17-5-2006 को पेश किया गया था तथा अप्रार्थी की ओर से दिनांक 28-7-10 को उक्त क्लेम का जवाब प्रस्तुत किया गया जिसकी प्रतिलिपि प्रार्थी पक्ष को दी जाने के बाद प्रार्थी द्वारा प्रत्युत्तर एवं दस्तावेज प्रस्तुत करने हेतु अग्रिम तारीख 16-9-2010 निश्चित की गई। पत्रावली के अवलोकन से यह तथ्य भी प्रगट होने दिनांक 28-7-2010 के बाद प्रार्थी पक्ष की ओर से कोई उपस्थित नहीं हुआ व दिनांक 13-12-2010 को प्रार्थी के विरुद्ध एक-पक्षीय कार्यवाही का आदेश पारित किया गया।

यह उल्लेख करना भी उचित होगा कि दिनांक 18-10-2010 को अप्रार्थी प्रतिनिधि द्वारा यह उल्लेख किया गया कि अप्रार्थी बैंक का I.C.I.C.I.बैंक में विलय हो गया है जिसके सम्बन्ध में आवेदन प्रस्तुत किया जाना है लेकिन उसके बाद किसी भी पक्ष के द्वारा I.C.I.C.I. बैंक को विलय के आधार पर पक्षकार बनाये जाने हेतु आवेदन प्रस्तुत नहीं किया।

दिनांक 20-4-2011 को अप्रार्थी प्रतिनिधि ने निवेदन किया कि चूंकि प्रार्थी ने ही क्लेम के सम्बन्ध में कोई साक्ष्य प्रस्तुत नहीं की है। अतः अप्रार्थी पक्ष के द्वारा कोई साक्ष्य प्रस्तुत किया जाना अपेक्षित नहीं है। अप्रार्थी प्रतिनिधि ने इस प्रकरण में “नो क्लेम अवार्ड” पारित किए जाने की प्रार्थना की।

निर्देश में सचिव बैंक ऑफ राजस्थान एम्प्लोई यूनियन को पक्षकार बनाया गया था व रजिस्टर्ड नोटिस भी उन्हें ही प्रेषित किए गए थे। पत्रावली के अवलोकन से यह तथ्य प्रगट होने है कि प्राप्त स्वीकृति पर सेक्रेट्री बैंक ऑफ राजस्थान यूनियन पर रजिस्टर्ड नोटिस तामिल हुई है लेकिन क्लेम स्टेटमेन्ट स्वयं श्रमिक दौलत सिंह चौहान

ने पेश किया है सिर्फ टाइटल में "मार्फत यूनियन राजस्थान बैंक एम्प्लोइ" अंकित है।

राजस्थान बैंक का I.C.I.C.I. बैंक में यदि विलय हो गया है तो अनुतोष प्राप्त करने के लिए I.C.I.C.I. बैंक को पक्षकार बनाया जाने का दायित्व भी प्रार्थी पक्ष पर था लेकिन ऐसा कोई आवेदन पेश नहीं किया गया। श्रमिक को क्लॉम स्टेटमेन्ट में यह अधिकथित किया है कि उसने बेतन बढ़ाने व स्थायी करने की जब बार-बार मांग की तो उससे नाराज होकर दिनांक 23-2-2005 को सेवा-मुक्त कर दिया जबकि जबाब में अप्रार्थी पक्ष ने उक्त अधिकथनों को अस्वीकार करते हुए कहा है कि स्टेटमेन्ट ऑफ क्लॉम यूनियन के द्वारा प्रेषित नहीं किया गया है, जबकि वाद यूनियन के द्वारा उठाया गया था। जबाब में अप्रार्थी यह भी अभिवचन है कि श्रमिक को केयर-टेकर के कार्य के लिए दिसम्बर 1994 में रखा था। बैंक का गेस्ट हाऊस बन्द होने के कारण उसके लिए कोई कार्य उपलब्ध नहीं था इसलिए धारा 25 F के तहत मुआवजे की राशि व नोटिस की एवज में एक माह की राशि का भुगतान कर कार्यमुक्त किया है।

यह सिद्ध करने का प्रारम्भिक भार प्रार्थी पक्ष पर था, कि उसको धारा 25 औद्योगिक विवाद अधिनियम के ग्रावधारों की पालना किए बिना हटाया है। लेकिन प्रार्थी पक्ष ने क्लॉम स्टेटमेन्ट में अधिकथित तथ्यों के समर्थन में कोई साक्षय प्रस्तुत नहीं की है। केवल अभिवचनों के आधार पर निर्देश का निर्णय गुणावृण पर किया जाना सम्भव नहीं है। अतः उक्त परिस्थितियों में "नो क्लॉम अवार्ड" पारित किया जाता है। निर्देश का उत्तर तदनानुसार दिया जाता है।

पंचाट की प्रतिलिपि केन्द्रीय सरकार को औद्योगिक विवाद अधिनियम 1947 की धारा 17 (1) के अन्तर्गत प्रकाशनार्थ प्रेषित की जावे।

एन. के. पुरोहित, पीठासीन अधिकारी

नई दिल्ली, 24 मई, 2011

का.आ. 1664.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उत्तर रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं.-2, धनबाद के पंचाट (संदर्भ संख्या 5/1996) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-5-2011 को प्राप्त हुआ था।

[सं. एल-41012/34/95-आईआर(बी-1)]
रमेश सिंह, डेस्क अधिकारी

New Delhi, the 24th May, 2011

S.O. 1664.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 5/1996) of the Central Government Industrial Tribunal-cum-Labour Court-II, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation

management of Eastern Railway and their workmen, received by the Central Government on 19-5-2011.

[No. L-41012/34/95-IR (B-I)]

RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD

PRESENT:

Shri Kishori Ram, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)
(d) of the I. D. Act, 1947.

Reference No. 5 of 1996

PARTIES : Employers in relation to the management of
Eastern Railway Dhanbad and their workmen.

APPEARANCES:

On behalf of the workmen : Mr. R. S. Singh,
Advocate.

On behalf of the employers: Mr. B. M. Prasad,
Advocate.

State : Jharkhand Industry : Railway

Dated, Dhanbad, the 4th May, 2011

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10 (1) (d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their order No. L-41012/34/95-IR (B-I), dated the 5th January 1996.

SCHEDULE

"Whether the action of the Divisional Engineer (3), Eastern Rly, Dhanbad in removing Shri Md. Gafoor, Road Roller Driver under IOW/Dto at Ghd from 6-6-94 is justified? If not, to what relief Shri Md. Gafoor is entitled to and from which date?"

2. The case of workman Md. Gafoor is that he worked honestly, loyally during his long service to the full satisfaction of his superiors, he as Road roller Driver was appointed, and permanently post at Dhanbad, yet he was temporarily but illegally transferred to work as Road Roller Driver in GHD (Garwa road) under IOW/DTO against the term of his service condition. Though his transfer was quite arbitrary, illegal, unwarranted as there was no waite there, and Road Roller was out of order, yet he as a loyal, humble and obedient worker reported to IOW/DTO. The management of IOW/DTO at GHD kept him idle, and on his demand for salary and allowances it refused to pay and orally directed him to go back to Dhanbad and to collect his salary from there. Similarly when he came to Dhanbad and demanded his salary, allowances and perks, he was told to collect it from IOW/DTO at GHD. Thus, he was made to run from pillar to post for his salary, which was not

paid. His several complaints and representations to his superior including the Divisional railway, Dhanbad remained unresponded by the management. Then he filed his claim Application LC. No. 1/92, 9/91 and 14/92 before the Tribunal-cum-Labour Court No.2, Dhanbad for computation of his salary and benefits U/s. 33-C(2) of I.D. Act, still pending. Just after it, the management issued him a false chargesheet on false plea of his absence from duty. He submitted his explanation, to it that the chargesheet as vague and no supply of documents to him and that if the charges clarified and material supplied, he would have right to submit his final explanation. But without supply of particulars and documents, the management declared his explanation unsatisfactory and appointed the Enquiry Officer, despite his objection to it to participate in it. On the enquiry report of the Enquiry Officer, the Disciplinary Authority found the charge unproved against him, and directed a de novo enquiry on the same charge. Even on objection to it on principle of double jeopardy, neither the Disciplinary Authority considered it nor the Enquiry Officer enabled him to participate in it to defend his case, rather conducting ex parte proceeding, the Enquiry Officer passed an order of removal amounting to dismissal during the pendency of the Industrial Dispute before the Assistant Labour Commissioner (C) as Conciliation Officer under the I. D. Act. The workman also filed a complaint under section 33-A of the I.D. Act before the ALC (C), Dhanbad.

2. Further case of the workman is that the baseless and vague chargesheet was issued to victimise the workman for his computation case whereas he was never absented from his duty. He was provided neither an opportunity to defend his case nor Railway Travelling Pass for attending the enquiry at I.O.W/D.T.O. at GHD. The enquiry was unfair and against the principle of natural justice. The Divisional Engineer (3), Eastern railway, Dhanbad without the permission of the ALC (C) passed the order of removal amounting to dismissal in contravention of section 33A of the I.D. Act. Moreover, the punishment is not proportionate to the misconduct of the workman, so it amounts to victimisation. Thus the action of the Divisional Engineer (3) for removal of the workman from his service is quite illegal, arbitrary and unjustified.

3. The workman in his rejoinder pleaded that no limitation applies to an Industrial dispute, he never absented from his duty for the aforesaid period, rather he performed his duty satisfactorily; he was victimised by the illegal transfer for his being an active member of his union; and that no major punishment of the removal from service in case of the unproved charge can be awarded on the basis of ex parte illegal enquiry report during the pendency of the conciliation proceeding.

4. Whereas with specific denials to the allegations of workman, the case of the management is that the workman has never rendered satisfactory job in his service and absented from his duty from 30-10-91 to 13-7-92, so he was rightly served with major chargesheet. As per rule he was

transferred to I.O.W/D.T.O. at G.H.D. from W.F. Dhanbad purely on administrative ground in accordance with his service condition, such administrative action in no way calls for an interference, so in view of the material present, the reference case being without jurisdiction is not tenable. The transfer order was neither illegal nor malicious, so it cannot be called as unwarranted, unjustified, and arbitrary. His transfer was required at G.H.D., therefore, he was transferred there, for proper functioning of administration. His statement of reporting for duty at G.H.D. just as that of his demand for salary, allowances etc. at Dhanbad are emphatically denied as fabricated, untrue and after thought. He never reported for duty there. He never made any valid representation. He has taken action under relevant rules for his unauthorised absence from duty, without an intimation to the office. In fact, he was duly served with the Chargesheet dtd. 3-9-92 with the names of the witnesses and the documents to be relied upon but he never responded to it except submitting his only vague reply, though incidentally he was several times directed to submit his explanation reply to the chargesheet. Though he was afforded all opportunity to defend his case in accordance with the principle of natural justice, he wilfully absented from appearance before the Enquiry Officer, and thereby he did not participate in the departmental enquiry, which ex parte concluded on the basis of the available documents. Admittedly, Mr. P.K. Kar, B.R.I/Daltongunge who was appointed as the Enquiry Officer by Competent Authority as per the rules, but on resentment of the workman, was substituted with Sri Jaswant Singh, B.R.I Daltongunge accordingly afresh. The deliberate correspondence of the workman with the Enquiry Officer clearly showed his knowledge of hearing date, and his evasion from appearance in the departmental enquiry. He failed to justify his absence from duty from 30-10-91 to 13-7-92, and the reason of his not joining his duty at his transferred place. By accepting the enquiry report, the Disciplinary Authority directed the removal of the workman from his services against which he did not file an appeal, as he had no grounds for it, and he directly invoked the jurisdiction of the Tribunal. Therefore, the order of his removal is fully justified and legal.

FINDING WITH REASONING

5. In the instant case the facts as apparent from materials available on the case record are as under:-

- (i) The workman Md. Gafoor continuously worked for 29/30 years since his appointment as temporary Khalasi under Workshop Foreman, Dhanbad (Ext. M-1/6, the photo copy of his service Book), the workman as R. K. Fireman was transferred and posted under AEN/DTG temporarily as per the Office Order dated 4-1-91 (Ext. M-1/1, the photo copy of the Office Order of Assistant Engineer-I, E. Rly, Dhanbad and as per the Office Order of the aforesaid management Ext. M-1/5, the photo copy of the Order dt. 23-2-91), he was released

from the Office of Dhanbad and he joined at Daltongunge Office on 25-2-91 where he was posted under I.O.W. worked till 29-10-91 and got his promotion as Road Roller Driver.

6. In this case, on behalf of the management three witnesses namely, MW-1 C. R. Moy, the Chief Office Superintendent, MW-2 Satyendra Kumar, the Clerk Grade -I and MW-3 Jaswant Singh, the Section Engineer (Bridge) as the Enquiry Officer have been examined. But on behalf of the workman, Md. Gafoor the workman himself as WW-1 has been examined.

It is also apparent from the case record that on behalf of the management, MW-2 Satyendra Kumar has proved all the Xerox copies of the enquiry papers as Exts. M-1 series (on formal proof dispensed with) excepting the Xerox copy of the Chargesheet, admitting the fact that original enquiry papers are missing.

7. On the perusal of the evidences of both the parties, I find that MW-1 C.R. Moy as the Chief Office Superintendent admitting the status and transfer of the workman to as well as his working at Garhwa under Daltongunge upto 29-10-91, has stated that the workman had started remaining absent from 30th October, 1991, for which the management issued letter to him to resume his duty; but the workman did not do so, for which he was chargesheeted for it, and departmental enquiry was set up in which he was found guilty though he was given full opportunity to prefer an appeal against the finding of the Enquiry Officer which was not done by him; he had submitted a vague reply to the management and thereafter he was removed from the service quite legally. The witness (MW-1) has admitted in his cross-examination that no post of khalasi existed in the Road Roller which is used for making a road; and the person driving the steam roller used to be designated as Fireman Driver. Further statement of the witness is that the workman got his salary for the period from 25th February to 29th October, 1991 and to that extent he has (MW-1) has claimed to have submitted papers, but I do not find any single chit of paper as proof for the payment of his salary since the transfer of the workman at the transferee place. He denied the enviously issuance of the chargesheet against the workman by the management during the pendency of his Reference before the CGIT No. 2, Dhanbad for non-payment of salary for the said period. However, the witness has admitted the refusal of the management to issue duty pass to him to attend the enquiry proceeding from Dhanbad to the place of his enquiry at Daltongunge. The witness also has admitted that as there was a procedural defect, the enquiry (concerned proceeding was cancelled and during the second enquiry proceeding on the same ground, no duty pass was also issued to the workman, and that he did not submit the attendance register of the workman to show his aforesaid unauthorised absence for the disputed period.

8. MW-2 Satyendra Kumar, the Clerk Grade-I, Latehar Engineering Office, has though expressed his ignorance if any domestic enquiry was held against the

workman, yet stated he did not appear in the enquiry for the chargesheet related to his unauthorised absence; as a result, the Disciplinary Authority relied on the report of the Enquiry Officer and the workman was dismissed by Mr. R. K. Jha, the Divisional Engineer III. Proving all the Xerox copies of Enquiry Papers as Ext. M-1 series (on formal proof dispensed with) except the Xerox copy of the chargesheet which appears to be illegible. The witness has though supported the dismissal of the workman as fair, proper and legal admitting that they (the management) had not submitted the original chargesheet. The witness has also accepted not to have participated at the enquiry proceeding, but after consulting office record he has stated the order of dismissal as justified.

9. MW-3 Jaswant Singh, the Section Officer (Bridge) Dehri-on-Sone as the Enquiry Officer has stated to have conducted the domestic enquiry against the workman in the year 1994 while he (MW-3) was posted as Bridge Inspector, E. Rly. Daltongunge, declaring that despite the issuance of notices to him, the workman did not appear, so he submitted his enquiry report (Ext. M-1/2) to the Assistant Engineer, E.Rly, Daltongunge, by conducting the domestic enquiry ex parte against him. He also asserted all the papers of the domestic enquiry proceeding (Ext. M-1 series) and the Chargesheet (Ext. M-1/3) which is admittedly illegible (The witness fails to read out the aforesaid paper). The witness also claims to have conducted the domestic enquiry fairly, properly and in accordance with the principle of natural justice. Admittedly, this Enquiry Officer was not the Officer of the Management yet he conducted it being nominated by the Assistant Engineer, Daltongunge, though he could not produce his nomination order, nor he possessed any paper to show the Assistant Engineer as the Disciplinary Authority to issue a Chargesheet against the workman or to show the notices having been issued to the workman for his appearance in the Enquiry Proceeding or its receipt by him. The witness (MW-3) as the Enquiry Officer has admitted that he conducted the domestic enquiry against him without any confirmation about the receipt of the notice by the workman or without publication in the paper and factually the workman could not get any scope to defend his case, as he did not appear..

10. Whereas the averment of WW-1 Md. Gafoor, the workman himself is that when the management of Daltongunge Garwa Road or of Dhanbad refused to pay him wages for his work for 10/11 months since his joining on 23-2-1991 there (Daltongunge) on the plea that the same would be paid by Dhanbad and by Daltongunge respectively, he had initiated a case before the Labour Court for the payment of his salary, but during the pendency his aforesaid case the management issued him the Chargesheet, to which he had submitted his reply and then the management initiated the domestic enquiry against him, to which he attended. Further statement of the workman is that the first enquiry in the midway was stopped and the second enquiry was started against him; though he used

to attend his office at Garwa Road, yet he failed to attend the enquiry proceeding for want of his leave, so the Enquiry Officer heard the case ex parte and submitted report and after removal from his service, he lodged a case before the Labour Court though he had raised the industrial dispute before the ALC (C), Dhanbad for conciliation which resulted in failure hence the present case; as such his dismissal was not justified. The workman has admitted the appointment of Mr. Yaswant Singh (MW-3) as the Enquiry Officer in place of Mr. P. K. Kar on his written objection, he replied to the notice issued by the Enquiry Officer, but the management did not suspend him during its pendency and after receiving the Enquiry Report, he also submitted his representation to the management yet the management dismissed him from the service, as he was given sufficient time to defend his case.

11. On the study of the aforesaid oral and documentary evidences as adduced on behalf of the management and the workman, I find that the domestic enquiry was held not fair, properly nor in accordance with the principle of natural justice. It is remarkable to note the chargesheet (Ext. M/3) as Memorandum of Chargesheet in the terms of the aforesaid Enquiry Officer (MW-3) is apparently dateless related to his alleged absence from his duty unauthorisedly, So far as the punishment of removal from his service at the fag end of his service career not only appears to be disproportionate to the alleged charge of misconduct against the workman but also apparently smacks forceful victimisation of the workman of such a lower grade at the hands of mighty management. Moreover, the management has failed to prove the alleged unauthorised absence of the workman from his duty for the disputed period. Admittedly, the workman has retired at the age of 60. Under these circumstances I find and accordingly hold that the action of the Divisional Engineer, Eastern Railway, Dhanbad in removing workman Md. Gafoor Road Roller Driver under I.O.W., D.T.O. at GHD from 6-6-1994 is not at all justified. So the workman is entitled to his wages from 30-10-1991 till his retirement with all his retirement benefits without any delay, as he suffered a lot for the victimisation of the administration only due to the illegal removal from his service by the management. This award be implemented within three months from the date of its publication in the Gazette of India.

KISHORI RAM, Presiding Officer

नई दिल्ली, 25 मई, 2011

का.आ. 1665.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधतंत्र के सबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक श्रधिकरण/श्रम न्यायालय धनबाद नं.-1 के पंचाट (संदर्भ संख्या 97/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-5-2011 को प्राप्त हुआ था।

[सं. एल-20012/431/1999-आईआर(सी-1)]

डी. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 25th May, 2011

S.O. 1665.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 97/2000) of the Central Government Industrial Tribunal-cum-Labour Court-I, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workman, which was received by the Central Government on 25-5-2011.

[No. L-20012/431/1999-IR(C-I)]

D. S. S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference U/s. 10(1) (d) (2A) of the I. D. Act.

Reference No. 97 of 2000

PARTIES : Employers in relation to the management of East Bhagatdih Colliery of M/s. BCCL

And

Their workmen.

PRESENT : Shri H. M. Singh, Presiding Officer

APPEARANCES:

For the Employers	:	Shri H. Nath, Advocate.
For the Workman	:	Mr. K. N. Singh, Vice-President, J.M.S.
State : Jharkhand	:	Industry : Coal

Dated, the 5-4-2011

AWARD

By Order No. L-20012/431/99-IR (C-I), dated 2-2-2000 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-sec. (1) and sub-sec. (2A) of Section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of East Bhagatdih Colliery of M/s. BCCL in denying regularisation of the services of the workman Sri Madan Kumar Sharma, working as store-clerk since 10-2-92 is justified or not ? If not to what relief the workman is entitled ?”

2. The case of the concerned workman is that he was a permanent employee of East Bhagatdih Colliery designated as General Mazdoor. He was authorised to work in store as clerk by an office order dated 10-2-92 and since he has been working continuously against that post. He represented before the management for his regularisation as store clerk in the year 1998. When the management did

not pay any heed to his regularisation as store clerk, an industrial dispute was raised before the A.L.C. (C.), Dhanbad by the union. But the conciliation proceeding ended in failure, which resulted in this reference for adjudication by the Hon'ble Tribunal.

It has been prayed that the Hon'ble Tribunal be pleased to hold that the action of the management in denying to the concerned workman's regularisation a store clerk w.e.f. 10-2-92 is not justified and consequently he is entitled to be regularised as store clerk and grade with back wages and other emoluments as admissible to him.

3. The case of the management is that the concerned workman appointed as dependent son of Shyamal Barhi, ex-pattern maker in the capacity of general mazdoor in category-I for underground jobs by letter dated 27-7-2-8-1990. The concerned workman was allowed to join his duty by letter dated 9-8-90 and he was advised to take one month's basic training at the vocational training centre for performing his duty at 9 ft. underground mine under the Assistant Colliery Manager. He being the son of ex-employee, approached the local officers of the company and got himself posted in the store as general mazdoor in the year 1992. He took initiative in learning some clerical jobs in the store under the guidance of the store clerks who got some of their works done by the concerned workman. The concerned workman approached the local management to put him as store clerk on regular basis considering his educational qualification and his performance of jobs in the store. He performed certain clerical jobs without proper authority from the competent officer solely at the instance of the store clerks on a private arrangement basis. The Headquarter issued circular directing the local management not to divert any piece rated or time rated worker into the clerical cadre and to put them on such work and them to regularise such persons on clerical cadre. It has been submitted that the demand of the sponsoring union for regularisation of the concerned workman as store clerk is not justified and he is not entitled to any relief.

It has been prayed that the Hon'ble Tribunal be pleased to pass an award holding that the concerned workman is not entitled to any relief.

4. Both the parties have filed their respective rejoinders admitting and denying the contents of some of the paragraphs of each other's written statements.

5. The management has produced MW-1, S.S. Ray, who proved documents as Exts. M-1 to M-2/1, Management also produced MW-2, Jajmuni Ram.

The concerned workman produced WW-1, Madan Kumar Sharma, and proved documents as Exts. W-1 to W-7.

6. Main argument advanced on behalf of the concerned workman that he is doing the work of store clerk since 1992. The management is taking the work from him as store clerk, but is not regularising him to the post of store clerk.

In this respect the management's representative argued that there is no vacancy of store clerk so he cannot be regularised. He was assisting the store clerk in store department for this reason he cannot be regularised.

In this respect the documents proved by the concerned workman, Ext. W-1 shows that on 10-2-92 he was authorised by the Agent of the management to work as store clerk. As per Ext. W-2, office order dated 5-4-96 he was authorised for work. As per Ext. W-3, letter of the management shows that he is working as store clerk since 10-2-1992. Ext. W-3/1 management's letter also shows that the concerned workman is working as store clerk. He submitted application as per Exts. W-4, W-5, W-6 and W-7 for his regularisation as store clerk, but the management did not pay any heed.

In this respect MW-1, S.S. Ray, has stated in his cross-examination that the concerned workman was authorised to work in the store as and when necessary. I cannot say about any developments made in respect of the concerned workman in the said year or about issuance of any letter by the Project Officer in respect of any clerical job being performed by the concerned workman. It shows that the concerned workman was authorised by the management to work as store clerk and the Project Officer of the management issued order for doing clerical job.

MW-2, Rajmuni Ram, in his cross-examination stated that I do not know where the concerned workman is presently working and in what capacity. The concerned workman had been working in store of the said colliery under proper authorisation. Anyone who is properly authorised in that regard by the competent authority can collect the materials from the store. It is not within my knowledge that in the month of September, 1998 whether one authorisation was granted to the concerned workman or not for collecting the materials from the store. It shows that the concerned workman was working in the store and he was authorised by the management, even he was authorised to collect materials, as per Ext. W.3, by the management in store department. The concerned workman also filed his certificate issued by Bihar Vidyalaya Pariksha Samiti which shows that he passed matric in 1984.

7. Considering the above facts and circumstances, I hold that the action of the management in denying regularisation of the services of the workman concerned is not justified, so he is entitled to be regularised as store clerk w.e.f. 10-2-92 with all consequential benefits.

8. Accordingly, I render the following award -

The action of the management of East Bhagatdih Colliery of M/s. BCCL in denying regularisation of the services of the workman, Sri Madan Kumar Sharma, working as store clerk since 10-2-92 is not justified. So, the concerned workman is entitled to be regularised as store clerk w.e.f. 10-2-92 with back wages and other consequential benefits.

The management is directed to implement the award within 30 days from the date of publication of the award.

H. M. SINGH, Presiding Officer

नई दिल्ली, 25 मई, 2011

का.आ. 1666.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद नं.-1 के पंचाट (संदर्भ संख्या 108/1991) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-5-2011 को प्राप्त हुआ था।

[सं. एल-20012/237/1987-आईआर(सी-1)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 25th May, 2011

S.O. 1666.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 108 / 1991) of the Central Government Industrial Tribunal-cum-Labour Court-I, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workman, which was received by the Central Government on 25-5-2011.

[No. L-20012/237/1987-IR (C-I)]

D. S. S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. I, DHANBAD

In the matter of a reference U/s 10(1)(d)(2A) of the I. D. Act.

Reference No. 108 of 1991

Parties : Employers in relation to the management of Putke Balihari Area of M/s. B.C.C.Ltd.

And

Their workmen

Present : Shri H. M. Singh, Presiding Officer

Appearances :

For the Employers: None

For the Workmen : Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union.

State : Jharkhand Industry : Coal

Dated, the 2-5-2011

AWARD

By Order No. L-20012/237/87. DIII(A)/IR (Coal-I), dated 'Nil' the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-Sec. (1) and sub-Sec. (2A) of Section 10 of the

Industrial Disputes Act, 1947 has referred the following dispute for adjudication to this Tribunal :

"Whether the demand of the Union for regularisation of 16 workmen shown in the Annexure as Misc./Unskilled Mazdoor by the management of Bhagaband Colliery of Bhagaband Area (now under P.B. Area, P.O. Kusunda (Dhanbad) is justified ? If so, to what relief the workmen are entitled to?"

1. Shri Gajo Gope
2. Shri Bharath Gope
3. Shri Bhiku Gope
4. Shri Bara Bhola Gope
5. Shri Chhota Bhola Gope
6. Shri Nagina Gope
7. Shri Kishto Bari
8. Shri Sanatan Gope
9. Shri Bhukhal Gope
10. Shri Jagender Singh
11. Shri Charka Manjhi
12. Shri Jabshar Mahato
13. Shri Sundar Mahato
14. Shri Bhardul Singh
15. Shri Haripado Manjhi
16. Shri Sambhu Manjhi

2. The case of the concerned workman, in short, is that they had been working at Bhagaband Area under P.B. Area since long in the underground of the mine in permanent and prohibited category of job continuously and had put in 190/240 days attendance in each year. They were working in stone cutting, coal cutting etc. and sometime they were also engage in line packing job which are prohibited category of jobs. The management was supplying them implements for execution of jobs. The management was paying them less than NCWA wages. They represented before the management for their regularisation and wages as per NCWA but without any effect. Thereafter the dispute was raised before the A.L.C. (C) which ended in failure. Thereafter, the Government of India, Ministry of Labour, after appreciating the legal position referred the dispute for adjudication to this Tribunal. The demand of the union for regularisation of these concerned workmen as Miscellaneous Mazdoors//Unskilled Mazdoors with retrospective effect with all arrears of wages is legal and justified.

Accordingly, it has been prayed that the Hon'ble be pleased to pass an award in favour of the workmen by directing the management to regularise and reinstate the concerned workmen as Miscellaneous Mazdoors/Unskilled Mazdoors atleast in Category-I with retrospective effect with all arrears of wages and consequential benefits.

3. The case of the management, in short, is that Sunil Das had been awarded contract in Bhagaband Colliery in making of stoppings, line packing and surface miscellaneous jobs which are of casual nature. From checking the attendance registers, it has been found that some of the labourers were employed by the contractor for doing his contract work while other workers are bogus workers. None of the workers in question have put the qualifying attendances of 190 days in any calendar years of 1983, 1984 and 1985. Sunil Das was never given contract work in any prohibited category at Bhagaband Colliery and no worker in question were ever employed at any time in any prohibited category of job. The employer -employee relationship never existed between the management and the workmen in question at any point of time. Therefore, the workmen cannot demand employment from the management of M/s. B.C.C.Ltd.

It has been prayed that the Hon'ble Tribunal be pleased to pass the award holding that the demand of the union for regularisation of 16 workmen/unskilled Mazdors of Bhagaband Area is not justified and that the concerned workmen are not entitled to have any relief.

4. Both the parties have filed their respective rejoinders admitting and denying the contents of some of the paragraphs of each other's written statement.

5. The management produced MW-1, Janardan Dey, who proved documents as Exts.M-1 and M-2.

The concerned workman produced WW-1, Bharat Gope, who proved document as Ext. W-1 series.

6. Main argument advanced on behalf of the concerned workmen that they were working with the management of Bhagaband Colliery from the year 1981. They have been disallowed to work by the management, but the management has not given any notice before stopping the work. They are sitting idle from 1987. They were working as stone cutters which is prohibited category which cannot be taken from contractor. The working implements were being supplied by the management and their work was also supervised by the management. They were being paid less wages than NCWA. In a calendar year their attendance used to be more than 240 days.

7. The management argued that the concerned concerned workmen were never the employees of the management. They are contractor workmen, so they cannot be regularised in the services of M/s. BCCL. It has also been argued that not a single person has performed continuous work for 190/240 days in a calendar year. It has been argued that some of the workers quoted in the order of reference were employed by the contractor for doing his contract work while other workers are bogus workers. As per para 6 of the written statement of the management four persons, namely, Jagender Singh, Bhandul Singh, Haripada Manjhi and Sambhu Gope did not work at all in 1983, 1984 and in 1985. It has also been argued that the contractor was never given contract work in any prohibited category of job.

8. On behalf of the concerned workmen Bihar Review & Labour Journal 1981 page 25 has been referred wherein by Notification dated 1-2-1975 five types of work, such as, (1) Raising or raising-cum-selling of coal, (2) Coal loading and unloading, (3) Overburden removal and earth cutting, (4) Soft Coke Manufacturing, and (5) Driving of stone drifts and miscellaneous, stone cutting underground, as prohibited category of jobs.

The workmen also referred Order passed in CWJC No. 1998 (R) dated 19-2-1999 between Darnoda Colliery of M/s. BCCL Vs. Presiding Officer & Ors. in which 121 persons' regularisation had been demanded. The Division Bench of the Hon'ble High Court confirmed the award by its order dated 12-7-99 in LPA No.83/99 (R) and the Hon'ble Supreme Court also confirmed the Award of the Tribunal and the Division Bench Judgement by order dated 17-4-2000 in SLP (C) No. 15253/1999. The concerned workmen also referred 2002 LLR 449 in which the Tribunal and Hon'ble High Court held that they are the employees of the management.

The concerned workmen also referred SCLJ (15) page 112 between Hussainbhai, Calicut Vs. The Alath Factory Thezhilali, Union Kozhikode in which Hon'ble Supreme Court laid down the test indicated for determination of employer -employee relationship is the duty of the Court.

The concerned workmen also referred 2007 (115) FLR 427 in which Hon'ble Supreme Court laid down - Providing for appointment of dependents of deceased employees working in coal mines.

9. The management filed documents, Ext.M-1 series, contract awarded to Sunil Das for Const. of 2 Nos. Isolation stopping at E3 panel 16 Seam and number of other works which were given to the contractor.

In this respect the evidence of WW-1 is very material. He has stated that we have not been granted any letter of appointment. We were not being issued any pay slip nor we have got any paper to show that we were getting wages from BCCL. The company has not issued any paper stopping us from work. This statement of concerned workmen shows that they have got no appointment letter. They were not issued any pay slip from the management nor they have got any paper to show that they were getting wages from the management. It shows that they were the contract workers so they cannot be regularised by the management for different type of jobs.

10. The management referred Uma Devi case reported in 2006(II) LLJ 722 in which Hon'ble Supreme Court laid down that regularisation cannot be done in public sector undertakings by the Tribunal.

11. Considering the above facts and law stated above, I hold that the demand of the Union for regularisation of 16 workmen, mentioned in the order of reference, as Misc./Unskilled Mazdor by the management of Bhagaband Colliery of Bhagaband Area (now under P. B. Area, P. O. Kusunda, Dhanbad), is not justified and hence, the concerned workmen are not entitled to any relief.

This is my award.

H. M. SINGH, Presiding Officer

नई दिल्ली; 25 मई, 2011

का.आ. 1667.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधतत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/प्रम न्यायालय धनबाद नं.-1 के पंचाट (संदर्भ संख्या 51/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-5-2011 को प्राप्त हुआ था।

[सं. एल-20012/420/1999-आईआर (सी-1)]
डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 25th May, 2011

S.O. 1667.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 51/2000) of the Central Government Industrial Tribunal/Labour Court-1 Dhanbad, now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL, and their workman, which was received by the Central Government on 25-5-2011.

[No. L-20012/420/1999-IR(C-I)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference U/s. 10(1)(d)(2A) of I. D. Act.

Reference No. 51 of 2000.

Parties : Employers in relation to the management of M/s. Bharat Coking Coal Limited

AND

Present : Shri H. M. SINGH, Presiding Officer

APPEARANCES

For the Employers : Shri B.M. Prasad, Advocate

For the Workmen : Shri S. C. Gour, Advocate

State : Jharkhand : Industry : Coal

Dated, the 9-5-2011

AWARD

By order No. L-20012/420/99-C-I dated 21-1-2000 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :—

“Whether the action of M/s. BCCL, Kusunda Area management in not absorbing the female 35 workers or their nominated alternate males is in violation of

the bi-partite agreement arrived at between the management and the union? If so, to what relief the concerned workmen are entitled?”

2. The case of the concerned workmen, as per written statement, is that they along with many others in Godhor Colliery and in other Collieries of M/s. BCCL were engaged in wagon loading since prior to nationalisation of the collieries. After nationalisation also they continued to work as such but in many cases their services were not taken-over. But they were continued in wagon loading. Due to demand and pressure from different operating trade unions, Sri O. Maheepathi, the then Chief of Industrial Relations & Personnel made some commitment in the meeting of Trade Unions and the Company and circulated the decision vide circular No. PA-1/2(10)/73/ 49022 dated 21-9-1973. As per guidelines and circulars as above, the services of many such workers were regularised but many were kept continued in their existing job in anticipation of further absorption against the requirement. Later on vacancies of underground miners/loaders became acute in M/s. BCCL and for a remedial measure, Sri B. L. Wadhera, the then Chairman/MD formulated one scheme “If any casual worker, wagon loaders and others putting in 75 attendances only in three consecutive years, they may be taken as Badli miner/loader underground. As there was statutory restrictions for underground employment for female workers, it was further decided that if such women workers decided or opted to offer employment of their male nominee, they will be taken as badli miner/loader. Thereafter the union and the management of Kusunda Area entered into agreement on 9-12-1980 for providing employment of male nominees to those female workers. After this agreement management initiative to implement it, but all of a sudden the management gave up the initiative and started passing time only to avoid the employment.

In such circumstances, it has been prayed that the Hon'ble be pleased to pass an award in favour of the workmen.

3. The case of the management, as per written statement, is that the management implemented the bi-partite settlement as per the provisions of law and the present allegation relating to violation of bi-partite agreement is without any basis and is liable to be summarily rejected. Management implemented the bi-partite settlement in respect of genuine workers and when the complaints were made to the effect that the dependents enrolled as badli workers were not the genuine dependents of the workmen, they were discontinued from their services. It has been submitted that the workmen who were discontinued from their services raised industrial dispute for their re-employment and in course of reference, evidences were produced and after passing of the award, the award was implemented in terms of settlement. The present case is nothing but arising out of certain concoction

by incorporating the annexure containing false and fabricated names just to induct their relatives in some form or other. It has also been submitted that the sponsoring union has referred to one settlement dated 9-12-80 and has raised the present demand in the year 1999 alleging that the 35 ladies covered in that settlement and named at the enclosure were not provided employment and their dependents were not considered for such employment. It has been submitted that the enclosure to the aforesaid settlement was manufactured after about 18 years and the present case has been raised with some malafide motive to induct into the employment of the company some job seekers with the help of litigation.

It has been prayed that the Hon'ble Tribunal be pleased to pass the award holding that the concerned ladies are not entitled to any relief.

4. Both the parties have filed their respective rejoinders admitting and denying the contents of some of the paragraphs of each others written statement.

5. The management has produced MW-1, Udai Narain Lall.

The concerned workmen have produced WW-1, Piyari Devi and WW-2, Lallan Nonia.

6. Main argument advanced on behalf of the concerned workman is that the agreement arrived at by the management with the union dated 9-12-80 has not been implemented till now.

In this respect management's representative argued that the reference has been made in 1999 which relates to implementation of the agreement dated 9-12-80. They have made number of representation and meeting with the management about implementation of the above agreement. In this respect agreement dated 9-12-80 arrived at between the management and the union which has been signed by the management as well as union with list of 35 de-listed female workers who have got 75 days or more days attendance at Godhur Colliery. Para 2 of the above agreement runs as under :—

"2. Those female workers who have got 75 days or more attendances during the year 1973 to 1976, their husband/son/son-in-law shall be taken into employment as Badli Miner/Loader, as per Company's policy and subject to their physical fitness. The names of such female workers who have 75 or more days attendance during the period 1973-76, is attached as "B".

After that it was discussed with the union by the management on 21-9-89. In part 2 it was discussed for implementation of the above agreement. GM(P) explained that it relates to settlement which should be honoured. Later on, other discussions were also held by the union with the management on 31-11-89, 24-5-90,

24-9-90, 16-10-90, 25-10-90, 26-3-91 & 29-6-91 in which at page 7 point no. 33 (Item-12) it was desolved with discussion—

"An agreement was arrived at on 9-12-80 for giving employment to the dependent of 35 delisted casual kamins of Godhar Colliery. The matter was also discussed on 21-9-89 before D(P).

The Dy. PM, Kusunda Area intimated that they have so far received the details of 8 delisted casuals of Godhar Colliery. The same is under scrutiny and the report in respect of those 8 delisted casuals will be sent to GM(IR) by 10-7-91.

With regard to remaining 27 delisted casuals of Godhar Colliery, the union representative intimated that they have submitted the details in the unit. Dy. PM, Kusunda Area will get the same from the unit and after scrutiny, the same will be sent to GM(IR) by 30th July, 91.

Action: Dy. PM. Kusunda."

Again on 26-3-91 the matter was discussed by the management with the union at page 3, point no. 12 regarding giving employment to the dependents of 35 delisted casuals Kamins of Godhar Colliery. Again on letter dated 8-2-91 the management and union representatives made discussion on the above point at page 2, point no. 3. But that has not been implemented by the management.

7. In this respect the evidence of the management's witness is very much material. MW-1, Udai Narain Lall has stated in his cross-examination that I had been working in BCCL since the year 1977. The matter relates to the years 1973-76. It shows that he has got no knowledge about the concerned workman who had worked in the years 1973 to 1976 for which circular was issued by the management for their absorption. Again this witness (MW-1) at page 2 stated that a badli worker is not being issued any Identity Card but like others his particulars are also mentioned in Form 'B' Register. After nationalisation these 'badli workers' who were working erstwhile management were also taken on the rolls of M/s. BCCL. The copy of the letter by which all those circulars which were in existence prior to 1992 were revoked or cancelled, is lying with the management. That circular has not been filed by the management which may show that prior to 1992 the circulars which have been issued have been cancelled or revoked. Again at page 3 MW-1 stated that I do not know whether there was any circular issued in the year 1973 or not whereby it was provided that all those casual and delisted wagon loaders who had already put in 75 days working in a year continuously for three years should be taken in employment or should be absorbed, or regularised. This witness was not in service in 1973 with the management, so he cannot tell anything about the circular which was

issued in the year 1973 for providing employment to the casual wagon loaders who have put 75 days attendance in 3 years. He also stated that it is true that there had been one bi-partite settlement arrived at on 9-12-80, but the name of any of the concerned workmen did not figure therein. In the said settlement there is mention about 113 workers in the short recital of the settlement. It shows that this witness does state true things. The grievance of the union shows that in all discussions this found place for providing employment to the delisted casual loaders.

WW-1, Smt. Piyare Devi and WW-2, Lallan Nonia supported the case of the workmen, though during cross-examination she has stated I cannot say my age stated in the affidavit. I cannot say from which year I am working. I have got no appointment letter. She said the name of Hare Singh, Manager 35 women used to work at that time. She is unable to explain her age and working days. WW-2, Lallan Nonia, stated in cross-examination that my father is not alive. He died in the year 1981. At that time my age was 28/29 years. At present my age is about 60 years. I cannot recollect the name of all 35 Kamins/ persons. Discussions were held with the management for providing employment to the delisted casual workers. Thus it is not possible that after such long period the names of Kamins and workers can be remembered. It is matter of record. There is record about delisted workers that can be very much ascertained from the record.

8. The management being a Government Organisation is not implementing the agreement dated 9-12-80 which seems to be not fair when in several meetings between the management and the sponsoring union the management admitted and had given explanation for implementation of agreement dated 9-12-80.

9. Considering the above facts and circumstances, I hold that the management is not justified in not implementing the agreement with the union regarding giving employment to the female 35 workers or their nominated alternate males, such as, their husband/son/ son-in-law.

The management of M/s. BCCL is directed to implement the agreement dated 9-12-80 and give employment to the female 35 workers or their nominated alternate males, husband/son/son-in-law within 30 days from the date of publication of the Award.

This is my Award.

H. M. SINGH, Presiding Officer

नई दिल्ली, 25 मई, 2011

का.आ. 1668.—औषधिक विद्याद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.सी.लिमिटेड के प्रबंधतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में लिरिए औषधिक विद्याद में केन्द्रीय सरकार औषधिक अधिकारण धनकाद न.-1 को पंचाट (संदर्भ संख्या 299/2000) को

प्रकाशित करती है, जो केन्द्रीय सरकार को 25-05-2011 को प्राप्त हुआ था।

[सं. एल-20012/251/2000-आईआर (सी-1)]

डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 25th May, 2011

S.O. 1668.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 299/2000) of the Central Government Industrial Tribunal Dhanbad, now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. C. C. Ltd. and their workman, which was received by the Central Government on 25-05-2011.

[No. L-20012/251/2000-IR(C-I)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD.

In the matter of a reference U/s. 10(1)(d)(2A) of I. D. Act.

Reference No. 299 of 2000.

Parties : Employers in relation to the management of Kathara Colliery of M/s. C. C. Limited.

AND

Their workmen

Present : Shri H. M. SINGH, Presiding Officer

APPEARANCES:

For the Employers : Shri D.K. Verma, Advocate

For the Workman : Shri D. Mukherjee, Advocate

State : Jharkhand Industry : Coal

Dated, the 4-5-2011

AWARD

By order No. I-20012/251/2000-C-I dated 29-9-2000 the Central Government in Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :—

“Whether the demand of the NCOEA that S/Sri V. D. Murthy and D. Mandan have been working as Jeep Drivers since 1993? If yes, whether the demand of the union for regularisation of the concerned workmen and payment of wages as per NCWA is legal and justified? If yes, what benefit the concerned workmen are entitled and from what date?”

2. The case of the concerned workmen, is that they were working as permanent Drivers since long continuously and as such they have put in more than 240 days attendance

in each calendar year. They had been working as per direction of the management and had been driving vehicles which were being utilised by District Administration. The management had been paying them through vouchers only to conceal the real fact. Management was not maintaining the statutory record regarding their employment with a malafide intention to camouflage the real issue and to exploit the workmen. As per NCWA the concerned workmen are entitled to get minimum starting category of category-V wages. They represented before the management for their regularisation as drivers and wages at par with NCWA but without any effect. Thereafter an industrial dispute was raised before A.L.C. (C) but the same ended in failure and the Govt. of India, Ministry of Labour referred the dispute for adjudication to this tribunal.

It has been prayed that the Hon'ble Tribunal be pleased to answer the reference in favour of the workman by directing the management to regularise them as Jeep Driver with retrospective effect and to pay them wages as per NCWA.

3. The case of the management is that the management never appointed the concerned persons and the aforesaid persons never worked under the management in any capacity. They were working under the local District Administration. The management of Kathara Colliery never supplied any vehicle to the District Administration for their use. The persons concerned are the job seekers and trying to get employment in the C.C. Ltd. through litigation by making false and fabricated story. M/s.CCL is a Government Company registered under the Companies Act and that being the position, it is an Estate within the meaning of Art. 12 of the Constitution of India. Management can not appoint any person in violation of the Article 14 and 16 of the Constitution.

In such circumstances, it has been prayed that the Hon'ble Tribunal be pleased to hold that the demand of the union is neither legal nor justified and the concerned persons are not entitled to any relief.

4. Both the parties have filed their respective rejoinders admitting and denying the contents of some paragraphs of each other's written statement.

5. The concerned workmen have produced WW-1, V.D. Murthy and proved documents Exts. W-1 to W-9.

The management has produced MW-1, J.Bara.

Main argument advanced on behalf of the concerned workmen that they are doing the work of the management and driving vehicle provided by the management to the local District Administration. They are performing their duty of drivers, but they have not been regularised.

6. In this respect the management has argued that the concerned workmen are not the employees of the management. They have never been engaged as employees by the management and these employees were employed

for doing the work of local District Administration as drivers.

7. In this respect the concerned workman, WW-1, in his cross-examination stated I have got no appointment letter. I have not filed the driving licence. My name was not sponsored from the Employment Exchange. This statement of the concerned workman shows that he has got no appointment letter. Even he has not filed his driving licence which may show that he was driver. His name was not sponsored by the Employment Exchange. In such circumstances it cannot be said that he is driving vehicle of the management because without driving licence nobody can be engaged as driver.

8. In this respect the management's representative referred 2006 (2) JLJR (SC) 282 in which Hon'ble Supreme Court laid down in Uma Devi case—

"Constitution of India-Article 226-vide powers thereunder-Courts should desist from issuing orders for continuance of those who have not secured regular appointments as per established procedure-wide powers under Article 226 are not intended to be used for the purpose of perpetuating illegalities, irregularities of improprieties or for scuttling the whole scheme of public employment—High Court is the sentinel and guardian of equal rights protection-Courts are not to ignore, encourage or approve appointments made or engagements given outside the constitutional scheme (para 3 & 12)"

(1964 4 SCR 964—Referred to)

Constitution of India—Article 309 state is meant to be a model employer and its power of appointment are subject to constitutional limitations and cannot be exercised arbitrarily—when statutory rules are framed U/Art. 309, the only fair means to adopt is to make appointments based on the rules so framed—employees engaged without following due process or the rules did not acquire any right—Court cannot direct absorption, regularisation or re-engagement of permanency of such employees (Paras 5, 30 and 31)

2006(2) SCALE 115 : ST 2006(2) SC 1 : 2006(2) PLJR (SC) 1 : 2006(2) JLJR (SC) 80 : Relied upon.

AIR 1984 SC 363—Referred to.

Service Law—Appointments—no employment is envisaged outside the constitutional scheme and without following the requirements set down therein equality of opportunity in the hallmark—provisions exist for affirmative action to ensure that unequal are not treated equals—though the Government is not precluded from making temporary appointments, regular appointments must be the rule—constitutional scheme of public employment flows from Articles 14, 16, 315, 320 and 335—in absence of any right to a post or to a particular status, appointment cannot be deemed to be valid—directions for re-engagement of such persons in any other work would make judicial process another mode of recruitment de hors the rules. (paras 10, 12, 22, 24, 27 and 40).

(1964) 4 SCR 964; (1992) 3 SCR 712; AIR 1994 SC 1638;
 (1996) 1 SCR 972; 1996 Supply (10) SCR 120; (1977) 2
 SCC 1; PLJR (SC) 59—Relied upon

2003(I) SCALE 187, 2003 (10) SCALE 388; 1913(I) KB
 398; (2004) 2 SCC 130; (2006) 1 SCC 667; JT 2006 (I)
 SC 84; (2006) (2) PLJR (SC) 37; 2006(2) JLJR (SC)
 113—Referred to.

Service Law—Regularisation-only something that is irregular for want of compliance with one of the elements in the process of selection which does not go to the root of the process, can be regularised and that it along can be regularised-granting permanence of the employment is a totally different concept—courts ought not to impose a financial burden on the state by directions for regularisation or permanence. (Paras 14 and 17).

Service Law—Appointment-equality-rule of equality in public appointments is a basis constitutional feature-unless appointment is in terms of relevant rules and after a proper competition same would not confer any right on the appointees-contractual appointment ends with the contract-daily wages or casual appointment ends with discontinuation-temporary appointee cannot claim permanency on expiry of the term-by merely working for a long time one does not acquire a right for regularisation-such persons cannot invoke doctrine of legitimate expectation. (Paras 27, 34 and 38)."

9. Considering the above facts it shows that the concerned workman have no driving licence and got no appointment letters, even their names were not sponsored from the Employment Exchange for doing the job of drivers, so they cannot be regularised in such circumstances. It is not proved by the concerned workman that they are working as drivers since 1993 with the management. So, their demand by the union that they should be regularised and given salary as per NCWA cannot be accepted.

10. In the result, I under the following award—

The demand of the NCWA that S/Sri V.D. Murthy and D. Kandan have been working as Jeep Drivers since 1993 and for their regularisation and payment of wages as per NCWA is not justified. Hence, the concerned workmen are not entitled to any relief.

H.M. SINGH, Presiding Officer

नई दिल्ली, 25 मई, 2011

का.आ. 1669.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार गोल्फ एयर कंपनी के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय मुम्बई नं.-1 के पंचाट (संदर्भ संख्या 1/22/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-5-2011 को प्राप्त हुआ था।

[सं. एल-11012/69/2001-आईआर (सी-1)]

डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 25th May, 2011

S.O. 1669.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 1/22/2001) of the Central Government Industrial Tribunal/Labour Court-I, Mumbai, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Gulf Air Co., and their workman, which was received by the Central Government on 25-5-2011.

[No. L-11012/69/2001-IR(C-I)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 1, MUMBAI

Present : Justice G. S. SARRAF, Presiding Officer

Reference No. CGIT-1/22 of 2001

Parties : Employers in relation to the management of Gulf Air Company

AND

Their Workman (Santosh Verma)

APPEARANCES:

For the Management : Shri. C. S. Desai, Adv.

For the workman : Shri. Mohan Bir Singh, Adv.

State : Maharashtra

Mumbai, dated the 5th day of May, 2011.

AWARD

In exercise of powers conferred under clause (d) of sub-section(l) of Section 10 of the Industrial Disputes Act 1947 (hereinafter referred to as the Act) the Central Government has referred the following dispute for adjudication to this Tribunal.

Whether the action of the management of Gulf Air Company in dismissing the services of Shri Santosh Verma with effect from 24-4-2001 is legal and justified? If not, to what relief is the workman concerned entitled?

Briefly stated the facts are that the second party workman Santosh Verma joined the first party Gulf Air Company on 1-6-1977. The workman was issued a charge sheet bearing No. IND/PERS/SZ/156 dtd. 8-6-99 wherein it was stated that on 8-3-1999 he booked passenger Anis Ali Mohammed for travel on Gulf Air night (GF 051) 3-4-1999 Bom/Mct and affixed sticker on his ticket No. 0.72 4410885528 PNR SWPGZF even though the said ticket was valid only upto 30-3-1999. It was also stated in the charge sheet that the performance and attitude of the workman were far below the minimum expected level of a Gulf Air staff. It was also stated in the charge sheet that the workman was given special attention by the supervisors. Reservation Officer and DRTM, to improve his performance and attitude but he did not show any consistent improvement in his output and attitude. According to the charge sheet the

above acts of the workman amounted to the following serious acts of misconduct namely;

- (i) Wilful insubordination or disobedience, whether alone or in combination with others to any lawful and reasonable order of a superior.
- (ii) Wilful damage to or loss of employer's goods or property.
- (iii) Habitual negligence or neglect of work.

The Enquiry Officer found the workman guilty of the charges levelled against him. The services of the workman were terminated by the Disciplinary Authority by letter dt.24-4-2001 with immediate effect. The workman raised an industrial dispute. The conciliation proceedings held before Assistant Labour Commissioner (Central) and Conciliation Officer ended in failure and thereafter the Government of India referred the dispute to this Tribunal.

According to the statement of claim filed by the second party workman the order of dismissal is illegal as it is in violation of Section 33 of the Act. The All India Federation of Gulf Air Employees Association took up the matter of unfair enquiry and frivolous charges levelled against the workman before the Assistant Labour Commissioner (Central) and the Conciliation Officer who was pleased to admit the matter for conciliation vide order dated 6-10-2000 but no approval application was made by the first party before Assistant Labour Commissioner (Central) and Conciliation Officer as contemplated under Section 33 of the Act. Moreover, the workman was not paid, tendered or offered one month wages in lieu of notice. According to the statement of claim the enquiry conducted was in breach of the principles of natural justice as :

- (a) it was conducted in haste and adjournments were denied even on reasonable and bonafide grounds;
- (b) the Enquiry Officer acted as a stooge and mouth piece of the management representative;
- (c) the enquiry was conducted in the absence of the second party workman's defence representative on 29-7-1999 and 9-8-1999;
- (d) the Enquiry Officer disallowed most relevant pertinent questions in cross-examination of the management witnesses;
- (e) subjected the second party to cross-examination when he had not appeared as a witness;
- (f) the Enquiry Officer and the management representative acted in a most threatening and hostile manner;

According to the statement of claim the findings of the Enquiry Officer are not supported by any evidence or material and are, therefore, perverse. The punishment is shockingly disproportionate to the charges levelled. On a plain reading of the charge sheet the alleged acts do not amount to misconduct. It has also been stated in the

statement of claim that under the Model Standing Orders applicable to the workman it is mandatory to indicate the Appellate Authority and as no Appellate Authority has been indicated in this case, therefore, the order of dismissal becomes void. The second party workman has, therefore, prayed for reinstatement with continuity of service and full back wages and all consequential benefits.

According to the written statement filed by the first party the enquiry held again the second party workman is fair, proper and in accordance with principles of natural justice. It has been admitted in the written statement that the All India Federation of Gulf Air Employees Association did approach the Assistant Labour Commissioner (Central) with some allegations against the first party but neither the workman nor the Union appeared before the said authority when the matter was fixed for hearing. It has been denied that the said matter was admitted to conciliation as no notice of admission by the Conciliation Officer was served on the first party. It has been stated that the direction under Section 22(1) and 22(2) of the Act is not applicable to the first party. It has been denied that the order of dismissal is illegal for being in breach and violation of Section 33 of the Act as there were no circumstances and conditions for the first party to take steps under Section 33 of the Act. There was no compulsion or obligation to pay or tender one month wages in lieu of the notice to the workman as contemplated under Section 33 of the Act. Further, there was no obligation to file an application for approval of the action before the Assistant Labour Commissioner (Central) and the Conciliation Officer. According to the written statement Section 33 of the Act is not applicable. The findings and report of the Enquiry Officer are based on evidence. The first party has denied that the punishment given to the workman is grossly disproportionate to the charges levelled against him. The first party has denied that the enquiry was held in undue haste. The first party has also denied all other allegations made in the statement of claim regarding violation of principles of natural justice and perversity or the order. According to the written statement the enquiry held into the charges is fair, proper and in accordance with principles of natural justice and the punishment awarded to the second party workman is appropriate. The first party has prayed that the reference be rejected.

Following preliminary issues were framed.

- (1) Whether the Gulf Air Company was bound to comply with the provisions of Section 33(2) of the Industrial Disputes Act 1947 because the order dated 24-4-2001 dismissing the workman was passed during the pendency of proceedings before the authorities mentioned therein?
- (2) Whether the workman committed any misconduct as per Standing Orders applicable to him?
- (3) Whether the Gulf Air Company violated the principles of natural justice ?

- (4) Whether these findings recorded by the Enquiry Officer are pervers?
- (5) Whether this Tribunal should set aside the order of dismissal of the workman in exercise of its powers under Section 11-A of the Industrial Disputes Act, 1947?

The first party filed affidavits of Shailesh Mazumdar and Ashok Chhaganlal Joshi who were cross-examined by learned counsel for the workman. The workman filed his own affidavit who was cross-examined by learned counsel for the first party.

Heard Shri G.S. Desai learned counsel for the first party and Shri Mohanbir Singh learned counsel for the workman and perused the record carefully.

Issue No 1:

Under Rule 9(2) of the Industrial Disputes Act (Central) Rules 1957 the conciliation proceedings commence when the Conciliation Officer gives formal intimation in writing to the parties concerned declaring his intention to commence conciliation proceedings with effect from such date as may be specified therein. A letter dt. 6-10-2000 of the Conciliation Officer giving formal intimation to the parties concerned declaring his intention to commence conciliation proceedings is EX. W-12 wherein the Conciliation Officer has intimated the parties to appear on 11-10-2000. Therefore, the conciliation proceedings will be deemed to have commenced from 11-10-2000.

Under Section 20(2) of the Act conciliation proceedings shall be deemed to have concluded—

- (a) where a settlement is arrived at, when a memorandum of the settlement is, signed by the parties to the dispute;
- (b) where no settlement is arrived at, when the report of the conciliation officer is received by the appropriate Government or when the report of the Board is published under S. 17, as the case may be; or
- (c) when a reference is made to a Court, [Labour Court, Tribunal or National Tribunal] under S. 10 during the pendency of conciliation proceedings.

There is no specific plea in the written statement regarding conclusion of the conciliation proceedings. However a copy of minutes of conciliation proceedings dt. 20-1-2001 EX.M-1 has been filed by the first party wherein it has been stated by the Conciliation Officer that the dispute is closed. It has been argued on behalf of the first party that the conciliation proceedings came to an end on 20-3-2001 ostensibly under Section 20(2)(b) of the Act.

It is to be noted that under Section 20(2)(b) of the Act the conciliation proceedings will be deemed to have concluded only when the failure report of the Conciliation Officer is received by the appropriate Government. It is thus clear that the conciliation proceedings will be deemed to have continued and will conclude only when the failure report reaches the appropriate Government. In this case no

failure report was ever sent to the appropriate Government. Therefore, the conciliation proceedings did not come to an end when the Conciliation Officer closed the dispute.

It is thus clear from the above discussion that the conciliation proceedings commenced on 11-10-2000 and as per Section 20(2)(c) of the Act the conciliation proceedings came to an end only when a reference was made to this Tribunal on 23-11-2001. The order or termination is dt. 24-4-2001. Undoubtedly the termination order of the workman has been issued after the commencement of the conciliation proceedings and before the conciliation proceedings concluded.

Section 33(1)(b) of the Act provides inter alia that during the pendency of any conciliation proceedings before a conciliation officer no employer shall for any misconduct connected with the dispute, discharge or punish, whether by dismissal or otherwise, any workman concerned in such dispute save with the express permission in writing of the Conciliation Officer. Section 33(2) (b) of the Act inter alia provides that during the pendency of any such proceedings in respect of an industrial dispute the employer may in accordance with the standing orders applicable to the workman concerned, for any misconduct not connected with the dispute, discharge or punish, whether by dismissal or otherwise, the workman provided he has been paid wages for one month and an application has been made by the employer to the Conciliation Officer for approval of the action taken by the employer.

In this case neither the workman was paid wages for one month nor any application was made by the employer to the Conciliation Officer for approval of its action of terminating the services of the workman.

The Gulf Air Company is bound to comply with the provisions of Section 33 of the Act and since the services of the workman have been terminated in violation of the provisions contained in Section 33 of the Act the action of the management is held to be illegal and unjustified.

Issue No. 1 is, therefore, decided against the first party and in favour of the second party workman as above.

Issue No. 2

There are three charges namely: (a) wilful insubordination or disobedience, whether alone or in combination with others, to any lawful and reasonable order of a superior; (b) wilful damage to or loss of employer's goods or property and (c) habitual negligence or neglect of work.

The witness of the first party Shailesh Mazumdar states in his cross-examination "The charge sheet does not mention the order which the workman alleges to have disobeyed. Charge No. 2 is regarding wilful damage to the employer's goods or property. I do not know of any damage caused to the goods or property of the employer". The first party has also filed affidavit of the Enquiry Officer, Ashok Chhaganlal Doshi who states in his cross-

examination. "There is no specific instance of alleged negligence in the charge sheet.....It is correct that the only allegation brought out in the enquiry was that the workman had put a sticker for travel by the passenger for travel on 3-4-1999 when his ticket had expired on 30-3-1999". Admittedly the workman booked a passenger for travel on the Gulf Air flight for 3-4-1999 when his ticket was valid only up to 30-3-1999 but there is absolutely no evidence to prove that this act of negligence on the part of the workman caused any damage or loss to any goods or property of the first party. The witness of the first party Shailesh Mazumdar himself admits that he does not know of any damage caused to goods or property of the first party. Shailesh Mazumdar states in his cross-examination that the charge sheet does not mention the order which the workman disobeyed. The Enquiry Officer Ashok Joshi admits in his cross-examination that only allegation against the workman was that the workman booked a passenger for 3-4-1999 whereas his ticket was valid only up to 30-3-1999. Only a single act of negligence stands proved by the evidence available on the record but even this act of negligence as per the admission of Shailesh Mazumdar (witness of the first party) has not caused any damage or loss to the goods or the property of the first party. No authority has been identified whose order has been disobeyed by the workman nor there is any proof that the workman disobeyed any order. There is absolutely no evidence of habitual negligence on the part of the workman.

It is thus clear from the above discussion that there is no proof of the fact that the workman has committed any misconduct.

Issue No. 2 is, therefore, decided against the first party and in favour of the second party workman.

Issue Nos. 3 and 4 :

Since Issue No. 1 and 2 have been decided in favour of the workman, therefore, it is not necessary to decide these issues.

Issue No. 5:

The order of dismissal deserves to be set aside in accordance with the decision of Issues Nos. 1 and 2. This issue is, therefore, decided as above.

ORDER

Consequently the action of the first party Gulf Air Company in dismissing the services of the second party workman Santosh Verma w.e.f. 24-4-2001 is held to be illegal and unjustified. The workman is directed to be reinstated subject to the age of superannuation with 75 per cent back wages. The first party shall implement this order within a period of two months from the date of this Award.

An award is made accordingly.

JUSTICE G. S. SARAF, Presiding Officer

नई दिल्ली, 25 मई, 2011

का.आ. 1670.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की भाग 17 के अनुसरण में, केन्द्रीय सरकार द्वारा प्रियद्वा

लिमिटेड के प्रबंधतांत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण/श्रम न्यायालय मुम्बई नं.-1 के पंचाट (संदर्भ संख्या 01/05/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-5-2011 को प्राप्त हुआ था।

[सं. एल-11012/33/2004-आईआर (सी-1)]

डॉ. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 25th May, 2011

S.O. 1670.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 01/05/2005) of the Central Government Industrial Tribunal-cum-Labour Court-I Mumbai, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Air India Ltd., and their workmen, which was received by the Central Government on 25-5-2011.

[No. L-11012/33/2004-IR(C-I)]

D. S. S. SRINIVASA RAO, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, MUMBAI

Present : JUS TICE G. S. SARAF Presiding Onieer

Reference No. CGIT-1/05 of 2005

Parties: Employers in relation to the management of Air India Ltd.

AND

Their Workman (O. K. Mesta) through Air India Employees Guild

APPEARANCES:

For the Management : Ms. Geeta Raju, Adv.

For the workman : Ms. Ketaki Rege, Adv.

State : Maharashtra

Mumbai, dated the 4th day of May 2011.

AWARD

1. In exercise of powers conferred under clause (d) of sub-section(1) of Section 10 of the Industrial Disputes Act 1947 the Central Government has referred the following dispute for adjudication to this Tribunal.

Whether the demand of the Air India Employees Guild from the management of M/s. Air India Ltd., that Sh.O.K.Mesta be given promotion as Chief AE Operator as per the time bound promotion policy in view of his completion of 21 years of service with Air India is justified? If so, to what relief is the workman entitled and from what date?

2. According to the statement of claim the workman O. K. Mesta is a permanent of Junior Operator and was confirmed on the same post w.e.f. 1-6-1983. He was

promoted to the post of Operator in the Ground Handling Department w.e.f.1-7-1989 and was confirmed on the same post w.e.f.1-1-1990. On 14-7-1994 O. K. Mesta was placed under suspension pending enquiry under clause 14(3)(b) and 14(3)(h) of the Model Standing Order (Central) Vide order dt. 6-11-1995 and vide corrigendum issued on 22-5-1996 he was punished with stoppage of five annual increments with cumulative effect w.e.f. 1-12-1995 and it was made clear that he would be eligible to receive annual increment w.e.f. 1-12-2000 subject to his attendance, performance and conduct being found satisfactory, In 1996 the first party framed new time bound promotion policy whereby promotion, revision in gradation was awarded as per time bound plan based on minimum service eligibility. This policy was effective from 1-7-1996. The promotion policy also provided that the number of employees eligible for promotion would not be restricted by standing force and a minimum percentage of employees would be promoted to the next higher grade. The minimum service eligibility for promotion was to be as per minimum number of years in the respective grade as well as total number of years from initial entry in the grade. As per the said promotion policy the promotion exercise for the level of Chief Operator was to be effected one in a calendar year and for other levels it was once in every six months on 1st January and 1st July, O. K. Mesta completed 7 years on 1-7-1996 in the grade of Operator and completed 14 years since his initial appointment as Junior Operator. As such he became eligible for the post of Senior Operator in 1996 whereas he was promoted to the post of Master Aircraft Equipment Operator, a post equivalent to Senior Operator. w.e.f. 22-3-2001. Many juniors and co-workers of O. K. Mesta were given double promotions immediately after coming into effect the time bound promotion policy. According to the statement or claim no embargo was put on O. K. Mesta's promotion in the punishment order and his seniority also was not to be affected by the punishment. According to the statement of claim the attitude of the first party towards the promotion or O. K. Mesta is unjust, arbitrary and discriminatory as the first party's stand that during the currency of the punishment promotion could not be given is erroneous as there was no such condition in the punishment order. According to the statement of claim the acts of the first party are in contravention of standing order no. 20 and 23 of Certified Standing Order. It has been prayed that O. K. Mesta be promoted to the post of Chief Aircraft Equipment Operator w.e.f. 1-7-2001 and from that date he be paid arrears of wage difference and other attendant benefits.

3. According to the written statement the workman was charged for theft of the property belonging to the first party and after enquiry he was punished with stoppage of five consecutive annual increments with cumulative effect. The workman became eligible for annual increment only on 1-12-2000 and till then he was not considered for promotion. The workman lost his seniority consequent to punishment

imposed upon him. Though the workman completed 21 years of service and in normal course he could have been considered for promotion to the post of Lead Aircraft Equipment Operator as per time bound promotion policy but due to the punishment imposed upon him his number went down in the seniority list and, therefore, he could not be considered for promotion during the promotion exercise carried out on 1-7-2001 for the post of Lead Aircraft Equipment Operator. According the written statement any promotion to the higher post including time bound promotions are subject to seniority-cum-merit and also availability of vacancies and a workman cannot claim promotion as a matter of right. The first party has, therefore, prayed that the reference be rejected.

A rejoinder was filed by the second party.

O. K. Mesta filed an affidavit and he was cross-examined by learned counsel for the first party. The first party filed an affidavit of Mihir Lal Bhowmick who was cross-examined by learned counsel for the second party.

6. Heard rival submissions and perused the record.

7. Admittedly the workman was charged for committing theft of the property belonging to the first party and he was punished with stoppage of five consecutive annual increments with cumulative effect till 1-12-2000. Admittedly the workman was promoted to the post of Master Aircraft Equipment Operator from 1-1-2001 and he has now been promoted as Lead Aircraft Equipment Operator w.e.f. 1-1-2005. During the period from 1-12-1995 to 1-12-2000 the workman was undergoing punishment and, therefore, he was rightly not considered for promotion. The denial of promotion during the currency of the punishment is merely consequential result thereof and certainly it is not double jeopardy. To punish a workman and at the same time to promote him during the currency of the punishment will be contradictory. Since the workman was found guilty of misconduct in an enquiry, he was rightly not found fit for promotion at that time workman was found guilty of misconduct in an enquiry, he was rightly not found fit for promotion at that time.

8. The workman completed required number of years of service but he could not be considered for promotion as his name in the seniority list went down on account of the punishment imposed against him.

9. In view of the above discussion I am clearly of the opinion that the demand of the second party for giving promotion to O. K. Mesta as Chief AE Operator as per the time bound promotion policy in view of his completion of 21 years of service is totally unjustified. The workman is not entitled to any relief.

10. The reference is answered in the manner stated hereinabove.

11. An Award is made accordingly.

JUSTICE G. S. SARAF, Presiding Officer

नई दिल्ली, 25 मई, 2011

का. आ. 1671.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण धनबाद न.-I के पंचाट (संदर्भ संख्या 91/2004) को प्रकाशित करती है जो केन्द्रीय सरकार को 25-5-2011 का प्राप्त हुआ था।

[सं. एल-20012/215/2003-आई आर (सी-1)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 25th May, 2011

S.O. 1671.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 91/2004) of the Central Government Industrial Tribunal-I, Dhanbad, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL, and their workmen, which was received by the Central Government on 25-05-2011.

[No. L-20012/215/2003-IR(C-I)]

D. S. S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference U/s. 10(1)(d)(2A) of I. D. Act.

Reference No. 91 of 2004

Parties: Employers in relation to the management of P. B. Area of M/s. B. C. C. L. Ltd.

AND

Their workmen

Present : Shri H. M. Singh, Presiding Officer

APPEARANCES:

For the Employers : Shri D. K. Verma, Advocate

For the Workmen : Shri U. N. Lal, Advocate

State : Jharkhand Industry : Coal

Dated, the 6-5-2011

AWARD

By Order No. L-20012/215/2003-IR(C-I) dated 2-9-04 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of P. B. Area of M/s. BCCL in dismissing Sri Ram Nath Rajak, Driver, 10/12 Pits Colliery by an order dated 9-10-2003 is legal and justified? If not, to what relief the concerned workman is entitled?"

2. The case of the concerned workman is that he had been working as permanent driver at 10/12 Pits Balihari Colliery since long. He was not provided house accommodation in the Colliery, so he was residing in his private house at Parsatand basti. One Sri Prithvi Pasi a resident of Allahabad implicated the concerned workman in a false criminal case for the reason that he always raises voice of protest against his criminal activities and money lending. A false criminal case was instituted against the concerned workman and against his father and brother. He surrendered on 26-3-03 and he remanded to jail custody and he was released on bail by the Hon'ble High Court, Jharkhand on 28-4-03. After coming out from the jail custody he reported for his duty but the management instead of allowing duty handed over a chargesheet being No. BI/PD/10-12/03/87 for alleged absence from duty w.e.f. 25-3-03. In invalid and irregular departmental enquiry the charges against the concerned workman was not established still then he was dismissed by an unauthorised person. The chargesheet was issued by an unauthorised person and the allegation as levelled in the charge-sheet does not constitute any misconduct as per Standing Order. An industrial dispute was raised which ended in failure and the matter has been referred to this Hon'ble Tribunal for adjudication.

It has been prayed that the Hon'ble Tribunal be pleased to answer the reference in favour of the workman by directing the management to reinstate the concerned workman with full back wages and other consequential benefits.

3. The case of the management is that the management issued a chargesheet to the workman concerned for his unauthorised absence from duty w.e.f. 25-3-03 without any information or permission of the competent authority vide chargesheet dated 26/28-4-2003. The concerned workman submitted his reply. Thereafter the management appointed Enquiry Officer to conduct domestic enquiry. The Enquiry Officer conducted domestic enquiry in accordance with the principle of natural justice and afforded full opportunity to the concerned workman to defend his case. The Enquiry Officer found him guilty of the charges levelled against him. During the enquiry it was revealed that the workman concerned has committed a crime under the I.P. C. and for that a criminal case was pending against him vide G.R. Case No. 3008/83 under Sec. 379/83, 147/452/334/380 IPC. It was also revealed that the workman concerned was convicted in the said case by Shri M.P. Singh, Judicial Magistrate, 1st Class, Dhanbad vide order dated 27-3-90. He filed an appeal against the said order before the District & Sessions Judge, Dhanbad vide Criminal

Appeal No. 37/90. After hearing the parties the Hon'ble Addl. District & Sessions Judge dismissed the appeal of the concerned workman, and he was convicted by the Criminal Court. The management issued second show-cause notice and gave an opportunity to explain why his service should not be terminated as per the provisions of Certified Standing Orders 26.1.19. He was convicted for two years imprisonment by the competent court of law. Since the concerned workman committed a serious and grave misconduct he has been dismissed from the service of the company vide dismissal order dated 7-10-03. His dismissal is legal and justified and the enquiry was conducted by the Enquiry Officer fairly, properly and in accordance with the principles of natural justice.

It has been prayed that the Hon'ble Tribunal be pleased to hold that the dismissal of the concerned workman is legal and justified and he is not entitled to any relief.

4. Both the parties have filed their respective rejoinders admitting and denying the contents of some of the paragraphs of each other's written statement.

5. The enquiry has been held as fair and proper vide order dated 9-2-2011.

The management has produced documents which have been marked as Exts. M-1 to M-7 on formal proof.

6. Main argument advanced on behalf of the concerned workman is that the management issued chargesheet to the concerned workman for absence from duty and the enquiry was conducted for that, but the dismissal order was passed by the management as per Ext. M-6 on the ground he has been convicted, so he cannot be retained in the service as per Standing Order No. 26.1.19. In this respect the concerned workman referred 1983 Lab. I.C. 1909 in which Hon'ble Supreme Court laid down that misconduct must have causal connection with place of work and with duty hours. Employer has no extra-territorial jurisdiction under Standing Orders to punish for misconduct. The management has not given the copy of Standing Order which may show that a person committed misconduct cannot be retained in the service of the Company as per Certified Standing Orders 26.1.19. The order filed by the concerned workman shows that as per Cr. Review No. 275 of 2003 in which Hon'ble High Court laid down that the petitioners were neighbour and there was dispute between the parties and a proceeding under Sec. 107 Cr. P.C. was going on between them and they have undergone harassment of trial appeal and the revision is of 1983. In that view of the matter the period undergone during trial is sufficient punishment. It shows that the concerned workman was convicted and acquitted under Sec. 380 I.P.C. However, the charge under Secs. 147, 452 & 336 of the I.P.C. has already been proved as beyond all reasonable doubt. The Trial Court has convicted them to undergo R.I. for six months under Sec. 147 I.P.C. one year under Sec. 452 IPC and six months under Sec. 336 I.P.C.

Another argument advanced on behalf of the concerned workman is that he has not been supplied with a copy of enquiry proceeding and enquiry report (Ext. M-7) without complying the principles laid down by the Hon'ble Supreme Court. The concerned workman referred 1991 Lab.I.C. 308 in which Hon'ble Supreme Court laid down that delinquent's right to be entitled to copy thereof not lost after the 42nd amendment- Rules of natural justice-Applicability to disciplinary inquiry - not affected by 42nd Amendment.

7. Considering the above facts it shows that the charge-sheet has been issued to the concerned workman on the ground of habitual absence from duty though the actual absence has not been proved. He was dismissed from service which is against law. Moreover, when final order was passed as per Ext. M-7, he has not been given second show-cause notice to state the things.

8. In the result, I hold that the action of the management of P.B. Area of M/s. BCCL in dismissing Sri Ram Nath Rajak, Driver, 10/12 Pits Colliery by an order dated 9-10-2001 is not legal and justified. So, he is entitled for reinstatement with 75% back wages, except during the jail period. The management is directed to implement the award within 30 days from the date of publication of the award.

This is my Award.

H. M. SINGH, Presiding Officer

नई दिल्ली, 25 मई, 2011

का. आ. 1672.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बी. सी. सी. एल. के प्रबंधतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय धनबाद न.-2 के पंचाट (संदर्भ संख्या 171/1999) को प्रकाशित करती है जो केन्द्रीय सरकार को 25-05-2011 का प्राप्त हुआ था।

[सं. एल-20012/555/1998-आई आर (सी-1)]

डी. एस. एस. श्रीनिवास राव, डेर्स्क अधिकारी

New Delhi, the 25th May, 2011

S.O. 1672.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 171/1999) of the Central Government Industrial Tribunal-cum-Labour Court-2, Dhanbad, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL, and their workman, which was received by the Central Government on 25-05-2011.

[No. L-20012/555/1998-IR(C-I)]

D. S. S. SRINIVASA RAO, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2)
AT DHANBAD**

Present : SHRI KISHORI RAM, PRESIDING OFFICER
In the matter of an Industrial Dispute under Section 10(1)
(d) of the I.D. Act., 1947.

Reference No. 171 of 1999

Parties: Employers in relation to the management of Bararee Colliery of M/s. BCCL and their workman.

APPEARANCES:

**On behalf of the workman : Mr. N. M. Kumar,
Advocate**

**On behalf of the employers : Mr. D. K. Verma,
Advocate**

State : Jharkhand **Industry : Coal**

Dated, Dhanbad, the 10th May, 2011.

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their order No. L-20012/555/98-C-I dated, the 17th May, 1999.

SCHEDULE

"KYYA B.C.C. L. Bararee Colliery Key Prabandh Tantra Dwara Dinank 26-6-96 sey Shri Bhagwan Das Paswan Ki Sevae Barkhast Kiya Jana Uchit Vidhivat Evam Naya Sangat Hain? Yadi Nahi to Karmkar Kis Rahat Key Patra Hain Tatha Kis Tarikh Sey?"

2. The case of the union for the workman is that the workman, a permanent employee of M/s. BCCL was working as M.C. Loader. He was served with a chargesheet No. BBC/96/5124 dated 9-3-96 for his unauthorised absenteeism from his duty since 14-6-95. The chargesheet was issued. He submitted his reply with proper explanation supported with documentary evidence. Without considering it, rather treating it unsatisfactory, the Management initiated a domestic enquiry against him. He was not given sufficient opportunity to defend his case by co-worker and by overlooking the entire evidence, dismissal order was passed illegally and issued on 26-6-96 which is malafide, unjustified and against the norms of natural justice. Further alleged that the finding of the Enquiry Officer are totally based on surmises and conjectures as well as contrary to the facts and circumstances of the case. The domestic enquiry was not conducted in accordance with law, as none of the attending doctors were examined

it in to test the genuinness of the Medical papers filed by the workman. The dismissal has no response as to his fundamental right to appear before the Appellate Authority. Moreover, no co-workere was provided to him rather the Enquiry Officer having collusively himself arranged so called co-worker, Nanku Yadav on the spot completed the enquiry on the same day without providing him opportunity contray to the principle of natural justice. It is pertinent to note the dismissal letter that the personnel department has illegally acted otherwise, alleging his absentism from 14-6-95 but the chargesheet was issued in 1996, the enquiry was conducted subsequently and the Project Officer signed the dismissal letter retrospectively effecting his dismissal from 14-6-95. Moreover, the workman never confessed his guilt, rather he was forced by the management with false assurance for his reinstatement in the service, so the alleged confession was not voluntary.

3. Whereas, specifically disputing the aforesaid allegations, the management has put its case that the workman was though a permanent employee working as a Miner/Loader of Barari Colliery; yet not serious in performing his duty as he used to unauthorisedly remain absent from his duty. He unauthorisedly absented from his duty w.e.f. 30-1-1993. The Management by taking a lenient view but with strict warning allowed him to resume his duty from 1-2-93, with a strict warning, likewise he was allowed to resume his duty for his unauthorised absence from 5-11-93 to 2-2-94. Despite the warning, he similarly committed misconduct by absenting from his duty w.e.f. 1-9-94 unauthorisedly. So the Management issued him chargesheet for his misconduct. He submitted his reply to the charge, but finding it unsatisfactory, the Management appointed the Enquiry Officer, who after conducting it fair, proper and in accordance with the principle of natural justice submitted his enquiry report, holding him guilty of the charge levelled against him. Therefore, having issued him second show cause notice and the copy of the enquiry report, the Disciplinary Authority dismissed him after taking approval from the competent authority. The workman with his co-worker fully participated in the enquiry, availing full opportunity to defend his case by cross-examining the witnesses of the management. Thus the dismissal of the workman is legal and justified.

Finding with Reasonings

4. In course of hearing/evidence of the management on the preliminary point, on a petition filed on behalf of the representative of the workman concerned as Mr. N.M. Kumar, the Ld. Advocate for the workman submitted for acceptance of the fairness of the domestic enquiry and the representative of the management hadn't raised any objection to it, so in

view of the submission of the representative of the concerned workman, the Enquiry Proceeding papers were marked as Extas. M-1 to M-9 (on formal proof dispensed with) and side by side after careful consideration of the enquiry proceeding, the domestic enquiry was held to be fair, proper and in accordance with the principle of natural justice as per order dated 13-6-2006 passed by the Tribunal. Hence it directly came up for hearing argument on merit.

5. In exercise of the power conferred upon the Tribunal under Section 11A of the I.D. Act., 1947, the Tribunal would like to reappraise the evidence in the domestic enquiry and to satisfy itself whether the punishment of dismissal to the workman by the employer for his misconduct of absenteeism was just and proper in the eye of law.

On the perusal of the materials available on the case record by way of proving the enquiry papers (Exts. M-1 to M-9) brought to the notice of the Tribunal find the following facts :

- (i) Workman Bhagwan Das Paswan is the permanent employee/M.C.L of Bararee Colliery,
- (ii) The Domestic enquiry was held into the single charge of absenteeism from his duty with effect from 14-6-1995 unauthorisedly against him as per Ext. M-2 (Chargesheet dated 9-3-96) in which he had represented (Ext. M-3) that due to his suffering from T.B. he had gone under treatment for it at C.H. D. (Central Hospital, Dhanbad) as also affirmed by him in his statement (Ext. M-5 before the Enquiry Officer Mr. Lalan Pandey, Dy. P.M. of the Colliery), and
- (iii) On the receipt of the Enquiry Report of the Enquiry Officer related to the charge of aforesaid absenteeism as per Ext. M-7, the workman had submitted his representation dated 7-6-96 (Ext. M-8) that he could not prepare the representation for the enquiry report because of the fact that he had given the file to some of the local resident who were ill, so he had requested for more 7 days time to submit it but unfortunately the Project Officer of the said Colliery as per the letter dated 26-6-1996 (Ext. M-9) dismissed the workman from the service of the company from 14-6-95 the date of his absence which palpably appears to be his dismissal retrospectively and lastly
- (iv) The dismissal order (Ext. M-9) against the workman no where whispers his such previous misconduct as pleaded in the pleading of the management.

7. So far as the dismissal order by the Project Officer against the workman as a punishment for his aforesaid absenteeism from 14-6-95 is concerned, I find it appears to be very harsh for the workman, the permanent employee as M.C.L of the management and it is disproportionate to his dismissal as punishment for the absenteeism as misconduct, because he had all along justified his absence due to suffering from T.B. which took long time for his treatment as stated in his reply as well as his statement before the Enquiry Officer (Ext. M-3 and M-5 respectively), besides that his Out Door Ticket of the BCCL Hospital (Extt. M-5/1) discloses his treatment upto 21-2-96 in support of his reply to the aforesaid Charge. Moreover, from the perusal of the aforesaid facts it stands clear that the workman was also not given due opportunity to explain over the enquiry report despite his humble request for seven days more time on the reasonable ground. It is quite contrary to the principle of natural justice the workman was quite entitled to. As such the dismissal of the workman for the single aforesaid misconduct cannot be legally justified in view of his continuous service as defined under Section 25B of the I.D. Act., 1947.

8. In the result, I find and hold that the BCCL's Bararee Colliery management was not justified in dismissing workman Bhagwan Das Paswan w.e.f. 26-6-96, as per schedule (as the date issuance of dismissal order) or 14-6-95 as per the letter effecting his dismissal retrospectively. Hence, the workman is entitled to be reinstated in his service with all due back wages after calculating his all kinds of leaves as per Implementation Instruction No. 5 of NCWA-V. The Management is accordingly directed to implement the Award within three months from the date of its publication in the Gazette of India.

KISHORI RAM, Presiding Officer

नई दिल्ली, 25 मई, 2011

का.आ. 1673.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण/श्रम न्यायालय न्यायालय धनबाद न.-2 के पंचाट (संदर्भ संख्या 18/2001) को प्रकाशित करती है जो केन्द्रीय सरकार को 25-5-2011 को प्राप्त हुआ था।

[सं. एल-20012/395/2000-आई आर (सी-1)]

डी.एस.एस.श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 25th May, 2011

S.O. 1673.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 18/2001)

of the Central Government Industrial Tribunal-cum-Labour Court-2, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL, and their workman, which was received by the Central Government on 25-05-2011.

[No. L-20012/395/2000-IR(C-I)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, AT DHANBAD

PRESENT

Shri Kishori Ram, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1) (d) of the I.D. Act., 1947.

Reference No. 18 of 2001.

Parties: Employers in relation to the management of M/s. BCCL and their workman.

APPEARANCES:

On behalf of the workmen : Mr. K.N. Singh,
Advocate and Vice
President, J.M.S.

On behalf of the employers : Mr. D.K. Verma,
Advocate

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 9th May, 2011

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/395/2000 (C-I), dated, the 25th January, 2001.

SCHEDULE

"Whether the action of the management of M/s. BCCL in not regularising Shri Ashok Kumar Pandey and Sri Ramji Tiwari, GOCP of Bastacolla Area as Transporting Supervisor/Pit Supervisor, Pit Supv. w.e.f. 2-5-95 and in not making them the payment of the said grade is legal and justified? If not, to what relief are the workmen entitled?"

2. The case of the sponsoring Union is that the concerned workmen (Sri Ashok Kumar Pandey and Sri Ramji Tiwari) the Dozer Operator and Shovel Operator respectively have been continuously working as Transporting and Pit Supervisor for 15 years since 19-4-1995 and 2-5-1995 respectively against the

permanent vacancy thereof, and accordingly as per authorisation letter No. 4528 dt.19-4-1995. Since they possessed the experience to be appointed as Supervisor, they should be regularised for the same from 2-5-95. Despite several representation for it neither the Management regularised them, nor the higher Management accepted the proposal for it during the conciliation proceeding No. I.D. 1/50/98 E2 raised by the Union before the ALC(C), Dhanbad. On the failure of the conciliation, it resulted in the reference case to the Tribunal for adjudication. They are entitled to their regularisation as Supervisor (Transporting and Pit) and payment of their wages. The action of the Management for not regularising them retrospectively is illegal and unjustified.

3. Whereas specifically disputing the aforesaid facts the case of the Management is that Shri Ashok Kumar Pandey and Sri Ramji Tiwari, the employees of the company designated as Shovel Operator and Dozer Operator respectively, are working as such, and paid their wages of the said category. The terms of the reference being unspecific is vague, as it does not specify their claim for category except the two designation Transporting Supervisor and Pit Supervisor based on imagination. There is no such post or designation of Transport Supervisor in Excavation or in any other area under NCWA. None of the workmen is eligible for the post of Pit Supervisor as mentioned under "Nomenclature, job description, and categorisation of Coal employees" as the JBCCI (pages 56-57) and none fulfills the job requirement mentioned therein. Their claim letter dated 19-4-95 and 2-5-95 nowhere mention as stipulation for their authorisation to work as Transport Supervisor/Pit Supervisor, rather by these letters, they were instructed to perform the particular job as the part of their own duties as Shovel Operator and Dozer Operator, nothing more. It does not mean their authorisation to act as Transport Supervisor/Pit Supervisor by any stretch of imagination.

4. The Management in its rejoinder has pleaded that they never worked as per their respective claim. Moreover, the workmen cannot be placed or promoted to any higher category beyond the cadre scheme formulated by JBCCI, for no Project Officer has power or delegated authority to authorise any timerated worker for any kind of monthly rated/ Clerical or supervisory job.

Finding with Reasoning

5. In this case, both the workmen as WW-1 Ashok Kumar Pandey and WW-2 Ramji Tewari on behalf of the Union concerned, and one witness as MW-1 Prakash Kumar Mishra, the Personnel Manager, from the side of the Management have been examined.

WW-1 Ashok Kumar Pandey (workman) in course of his deposition has proved the photo copies of the letter

dated 2-05-95 and 19-4-95 of his own and of another workman Ramji Tewari as Extt. W-1 and W-2 respectively. Out of these two letters, the original letter of the aforesaid photo copy (Ext. W-2) of the latter workman Ramji Tewari (WW-2), he (WW-1) has proved it as Ext. W-3.

6. In the case, these facts being admitted are indisputable:

- (i) Workman Ashok Kumar Pandey (WW-1) is Shoval Operater in Excavation Grade since his appointment in the year 1989.
- (ii) Technical and Supervisor come under Technical and Supervisory Grade A, B and C. The Dozer Operator come under Excavation Cadre, but not in Technical and Supervisory Cadre. Workman Ramji Tiwari (WW-2) is drawing his wages as Dozer Operator.

7. On the perusal of the evidences available on the case record, the statement of WW-1 Ashok Kumar Pandey, one of the workman, manifests his claim for regularisation as the Coal Transport Supervisor still continuously accordingly discharging his duty under the authorisation of the management as per the Office Order dt. 2-5-95 (Ext. W-1); that despite his representation, the Management uncosidered his prayer for regularisation but he expressed ignorance of the Coal Transport Supervisor and Pit Supervisor under the Clerical Grade.

Likewise the statement of WW-2 Ramji Tewari, the Dozer Operator since his appointment is that though he has been discharging his duty as Transport Supervisor since 19-4-95 as per authorisation letter dated same of the management (Ext. W-3, the original letter of its photo copy Ext. W-2), yet the Management did not change his designation. Being ignorant of the fact whether NCWA has any provision for the post of Transport Supervisor, he has stated that there is, however, a provision for Pit Supervisor.

8. On the other hand MW-1 Prakash Kumar Mishra is the Personnel Manager at Golukdih Open Cast Project for the last two months where both the workmen Ashok Kumar Pandey and Ramji Tiwari as the Shovel Operator and the Dozer Operator respectively are posted. According to this witness (MW-1), there is no provision of Transport Supervisor or Pit Supervisor as per NCWA. The Project Officer by these letters (Ext. W-1 and W-2, W-3) did not designate the concerned workman as Transport Supervisor, nor they ever worked accordingly, so their demands are not justified. He has specifically denied their working as Transport Supervisor and Pit Supervisor since 2002.

9. In reference to the oral evidences of both the parties, I find that both the letters dated 2-5-95 and 19-4-95 (Exts. W-1 and W-2 equal to W-3) of workman Shri Ashok

Kumar Pandey, the Shoval Operator and Shri Ramji Tewari, the Dozer Operator respectively are the basis of their respective claim for the regularisation as Transport Supervisor/Pit Supervisor. It is remarkable to note that both the letters are the replica to each other with reference to the assigned jobs namely, for looking after three kinds of jobs except the former letter dated 2-5-95 (Ext. W-1) refering Sl.No. 4, the assigned job for looking after the proper functioning of E.B. at the Colliery. Each of the letter specifies that the concerned workman shall monitor the pits transported to the screening plant and trips of coal to it or from direct coal dumping to siding. Both the letters were issued by Mr. J.B. Gupta, the Project Officer, Golukdih Open Cast Project. Apparently both the concerned workmen namely, the Ashok Kumar Pandey as the Shovel Operator and Shri Ramji Tewari as the Dozer Operator by their aforesaid Office Order of the management were authorised to work in the Transport of Coal from Coal Dump to siding as per the defined job mentioned above, but none of the aforesaid Office Orders specifies both these workman to work Transporting Supervisor or Pit Supervisor rather it shows that the workman were authorised to work in Transport of coal from old dump to siding only with the instructions to look after the jobs of preparation of coal in dump by dozer and others as specified in the letters of the respective workmen, which are appear to be falling under the nature of their job as Shovel Operator and Dozer Operator respectively. On the basis of the materials available on the case record, it is indisputable that there is no such post of Transporting Supervisor except the Pit Supervisor under the Clerical Grade prescribed by the NCWA. Therefore, none of the aforesaid letters issued by the management in favour of workmen Ashok Kumar Pandey and Sri Ramji Tewari, the Shovel Operator and Dozer Operator respectively in any way strengthens their case for the claim of their regularisation accordingly.

Under these circumstances, I find and hold that the action of the management of M/s. BCCL in not regularising Shri Ashok Kumar Pandey and Shri Ramji Tewari, G.C. C. P. of Bastacola Area as Transporting Supervisor/ Pit Supervisor w.e.f. 2-5-95 and in not making them payment of the said grade is quite legal and justified. Therefore these workmen are not entitled to any relief.

KISHORI RAM, Presiding Officer

नई दिल्ली, 7 जून, 2011

का. आ. 1674.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार एतद्वारा 01 जुलाई, 2011 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय -4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय -5 और 6 [धारा-76 की उप धारा-(1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है]

के उपबंध कर्नाटक राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्:

क्र. सं.	राजस्व ग्राम का नाम व नगरपालिका सीमाएँ	होबली	तालुक	जिला
1.	अद्विगेरे	यशवंथपुर	बैंगलूर उत्तर	बैंगलूर अर्बन
2.	अड्डे विश्वनाथपुर	हेसरघट्टा	बैंगलूर उत्तर	बैंगलूर अर्बन
3.	चिक्कबेट्टहल्ली	यलहंका	बैंगलूर उत्तर	बैंगलूर अर्बन
4.	दोड्डबेट्टहल्ली	यलहंका	बैंगलूर उत्तर	बैंगलूर अर्बन
5.	हेगडे देवनपुर	दासनपुर	बैंगलूर उत्तर	बैंगलूर अर्बन
6.	केंकेहल्ली/गंगिनहल्ली	यलहंका	बैंगलूर उत्तर	बैंगलूर अर्बन
7.	नगरूर ग्राम	दासनपुर	बैंगलूर उत्तर	बैंगलूर अर्बन
8.	रामुंडनहल्ली	यलहंका	बैंगलूर उत्तर	बैंगलूर अर्बन
9.	तिरुमलानगर	यलहंका	बैंगलूर उत्तर	बैंगलूर अर्बन

[संख्या:-एस-38013/49/2011-एस.एस.।]

एस.डी. जेवियर, अवर सचिव

New Delhi, the 7th June, 2011

S.O. 1674.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st July, 2011 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except Sub-Section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Karnataka namely :—

Sl. No.	Name of the Rev. Village or Municipal Limits	Hobli	Taluk	District
1.	Abbigere	Yeshwanthapur	Bangalore North	Bangalore Urban
2.	Adde Vishwanathpura	Hesaraghatta	Bangalore North	Bangalore Urban
3.	Chikkabettahalli	Yelahanka	Bangalore North	Bangalore Urban
4.	Doddabettahalli	Yelahanka	Bangalore North	Bangalore Urban
5.	Heggadadevanapura	Dasanapura	Bangalore North	Bangalore Urban
6.	Kenchena hally/ Gantiganahally	Yelahanka	Bangalore North	Bangalore Urban
7.	Nagarpur Village	Dasanapura	Bangalore North	Bangalore Urban
8.	Ramagundanhally	Yelahanka	Bangalore North	Bangalore Urban
9.	Thirumalananagar	Yelahanka	Bangalore North	Bangalore Urban

[No. S-38013/49/2011-S.S.I]

S.D. XAVIER, Under Secy.

नई दिल्ली, 7 जून, 2011

का. आ. 1675.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों

का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 जुलाई, 2011 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय -4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 (धारा -76 की उप धारा-(1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबंध कर्नाटक राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्:

क्र. सं.	राजस्व ग्राम का नाम व नगरपालिका सीमाएँ	होबली	तालुक	जिला
1.	चन्नसंदं	कसबा	होसकोटे	बैंगलूर ग्रामीण
2.	काचोहल्ली ग्राम	दासनपुर	बैंगलूर उत्तर	बैंगलूर ग्रामीण
3.	काचरकनहल्ली	जडिगेनहल्ली	होसकोटे	बैंगलूर ग्रामीण
4.	कनल्ली ग्राम	यशवंथपुर	बैंगलूर उत्तर	बैंगलूर ग्रामीण
5.	कोरलूर	कसबा	होसकोटे	बैंगलूर ग्रामीण
6.	पट्टरेहडी पाल्या	उत्तरहल्ली	बैंगलूर दक्षिण	बैंगलूर ग्रामीण
7.	सोमनहल्ली	उत्तरहल्ली	बैंगलूर दक्षिण	बैंगलूर ग्रामीण
8.	तिरुमलारेट्टीहल्ली/ सम्मेतनहल्ली	जडिगेनहल्ली	होसकोटे	बैंगलूर ग्रामीण

[संख्या:-एस-38013/48/2011-एस.एस.।]

एस.डी. जेवियर, अवर सचिव

New Delhi, the 7th June, 2011

S.O. 1675.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st July, 2011 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except Sub-Section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Karnataka namely :—

Sl. No.	Name of the Rev. Village or Municipal Limits	Hobli	Taluk	District
1.	Channasandra	Kasaba	Hoskote	Bangalore Rural
2.	Kachohalli Village	Dasanapurn	Bangalore North	Bangalore Rural
3.	Kacharakanhalli	Jadigenahalli	Hoskote	Bangalore Rural
4.	Kannalli Village	Yeshwanthpur	Bangalore North	Bangalore Rural
5.	Koralur	Kasaba	Hoskote	Bangalore Rural
6.	Pattareddy Palya	Uttarahalli	Bangalore South	Bangalore Rural
7.	Somanahalli	Uttarahalli	Bangalore South	Bangalore Rural
8.	Thirumalashettyhalli/ Sammethanahalli	Jadigenahalli	Hoskote	Bangalore Rural

[No. S-38013/48/2011-S.S.I]

S.D. XAVIER, Under Secy.

नई दिल्ली, 7 जून, 2011

का. आ. 1676.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 जुलाई, 2011 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय -4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 [धारा -76 की उप धारा-(1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबंध आन्ध्र प्रदेश राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्:

“आंध्र प्रदेश के मेदक जिले के संगारेडी मण्डल में चेरियाल राजस्व गाँव के सीमा के अंतर्गत स्थित सभी क्षेत्र।”

[संख्या : एस-38013/47/2011-एस.एस.1]

एस.डी.जेवियर, अवर सचिव

New Delhi, the 7th June, 2011

S.O. 1676.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st July, 2011 as the date on which the provisions of Chapter IV except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except Sub-Section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Andhra Pradesh namely :—

“All the areas falling within the limits of Revenue Village of Cheryal of Sangareddy Mandal in Medak District.”

[No. S.-38013/47/2011-SS.I]

S.D. XAVIER, Under Secy.

नई दिल्ली, 7 जून, 2011

का. आ. 1677.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 जुलाई, 2011 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय -4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 [धारा -76 की उप धारा-(1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबंध आन्ध्र प्रदेश राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्:

“आदिलाबाद जिले के काशिपेट मण्डल में देवापुर राजस्व गाँव के सीमा के अंतर्गत स्थित सभी क्षेत्र।”

[संख्या : एस-38013/46/2011-एस.एस.1]

एस.डी.जेवियर, अवर सचिव

New Delhi, the 7th June, 2011

S.O. 1677.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st July, 2011 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except Sub-Section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Andhra Pradesh namely :—

“All the areas falling within the limits of Revenue Village of Devapur in Kasipet Mandal of Adilabad District.”

[No. S.-38013/46/2011-SS. I]

S.D. XAVIER, Under Secy.

नई दिल्ली, 7 जून, 2011

का. आ. 1678.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 जुलाई, 2011 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय -4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 [धारा -76 की उप धारा-(1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबंध कर्नाटक राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्:

क्र. सं.	राजस्व ग्राम का नाम व नगरपालिका सीमाएँ	होबली	तालुक	जिला
1.	बेलू	कोतरी	मंड्या	मंड्या
2.	भूतन होसूर	कोतरी	मंड्या	मंड्या
3.	चुनुरु	कसबा	मंड्या	मंड्या
4.	हनुजंबाडि	कोतरी	मंड्या	मंड्या
5.	हेमिगे	कोतरी	मंड्या	मंड्या
6.	हिंडवाल	कोतरी	मंड्या	मंड्या
7.	एच.कोडिहल्ली	कसबा	मंड्या	मंड्या
8.	हुम्मदहल्ली	कसबा	मंड्या	मंड्या
9.	कविवहल्ली	कोतरी	मंड्या	मंड्या
10.	कावेरीनगर	कसबा	मंड्या	मंड्या
11.	किरंगन्दूर	कसबा	मंड्या	मंड्या
12.	क्यातनमेर	कसबा	मंड्या	मंड्या
13.	मंपला	कसबा	मंड्या	मंड्या
14.	सूनहल्ली	कोतरी	मंड्या	मंड्या
15.	श्रीनिवासपुर	कसबा	मंड्या	मंड्या
16.	सुंदरहल्ली	कोतरी	मंड्या	मंड्या
17.	विनायक बडावणे	कसबा	मंड्या	मंड्या
18.	तूबिनगेर	कसबा	मंड्या	मंड्या

[संख्या : एस-38013/45/2011-एस.एस.1]

एस.डी.जेवियर, अवर सचिव

New Delhi, the 7th June, 2011

S.O. 1678.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st July, 2011 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except Sub-Section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Karnataka namely :—

Sl. No.	Name of the Rev. Village or Municipal Limits	Hobli	Taluk	District
1.	Belur	Kothathi	Mandyā	Mandyā
2.	Bhuthana Hosur	Kothathi	Mandyā	Mandyā
3.	Boodunuru	Kothathi	Mandyā	Mandyā
4.	Hanujambadi	Kothathi	Mandyā	Mandyā
5.	Hemmige	Kothathi	Mandyā	Mandyā
6.	Hindwal	Kothathi	Mandyā	Mandyā
7.	H. Kodihalli	Kasaba	Mandyā	Mandyā
8.	Hummadahalli	Kasaba	Mandyā	Mandyā
9.	Kabbinahalli	Kothathi	Mandyā	Mandyā
10.	Kaverinagar	Kasaba	Mandyā	Mandyā
11.	Kirangandur	Kasaba	Mandyā	Mandyā
12.	Kyathanagere	Kasaba	Mandyā	Mandyā
13.	Mangala	Kasaba	Mandyā	Mandyā
14.	Soonahalli	Kothathi	Mandyā	Mandyā
15.	Srinivasapura	Kasaba	Mandyā	Mandyā
16.	Sundarahalli	Kothathi	Mandyā	Mandyā
17.	Vinayaka Badavane	Kasaba	Mandyā	Mandyā
18.	Tubinagere	Kasaba	Mandyā	Mandyā

[No.S-38013/45/2011-S.S.I]

S.D. XAVIER, Under Secy.

नई दिल्ली, 7 जून, 2011

का. आ. 1679.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 जुलाई, 2011 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय -4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 [धारा-76 की उप धारा-(1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबंध कर्नाटक राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्:

क्र. सं.	राजस्व ग्राम का नाम व नगरपालिका सीमाएँ	होबली	तलुक	जिला
1.	गुंडलुपेट	कसबा	गुंडलुपेट	चामराजनगर

(1)	(2)	(3)	(4)	(5)
1.	गुंडलुपेट	कसबा	गुंडलुपेट	चामराजनगर
2.	मूळलुपा ग्राम	कसबा	चामराजनगर	चामराजनगर

(1)	(2)	(3)	(4)	(5)
3.	यल्लांदूर (बदनपुरे ग्राम) कसबा	यल्लांदूर	चामराजनगर	

[संख्या: एस-38013/44/2011-एस.एस. 1]

एस.डी. जेवियर, अवर सचिव

New Delhi, the 7th June, 2011

S.O. 1679.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st July, 2011 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except Sub-Section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Karnataka namely :—

Sl. No.	Name of the Rev. Village or Municipal Limits	Hobli	Taluk	District
1.	Gundlupet	Kasaba	Gundlupet	Chamarajnagar
2.	Moodalapura Village	Kasaba	Chamarajnagar	Chamarajnagar
3.	Yallandur (Badanaguppe Village)	Kasaba	Yellandur	Chamarajnagar

[No.S-38013/44/2011-S.S.I]

S.D. XAVIER, Under Secy.

नई दिल्ली, 7 जून, 2011

का. आ. 1680.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 जुलाई, 2011 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय -4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 [धारा-76 की उप धारा-(1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबंध कर्नाटक राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्:

क्र. सं.	राजस्व ग्राम का नाम व नगरपालिका सीमाएँ	होबली	तलुक	जिला
1.	बैदोहडी/बिजेनगरे	बडबली	रायचूर	रायचूर
2.	अलिकेन मजलु (इकिंडु क्षेत्र)	केंटकल	केंटकल	दक्षिण कन्नड़
3.	अंजनापुर	उत्तरहल्ली	बैगलूर दक्षिण	बैगलूर
4.	दोहड़ बेगूर ग्राम	बेगूर	बैगलूर दक्षिण	बैगलूर
5.	जडेनहल्ली, वाजरहल्ली बिडारी	बिडारी	रामनगर	रामनगर
6.	मरसूर	कसबा	आनेकल	बैगलूर

[संख्या एस-38013/43/2011-एस.एस. 1]

एस.डी. जेवियर, अवर सचिव

New Delhi, the 7th June, 2011

S.O. 1680.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st July, 2011 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except Sub-Section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Karnataka namely :—

Sl. No.	Name of the Rev. Village or Municipal Limits	Hobli	Taluk	District
1.	Baidoddi/Bijenagere	Vadavatti	Raichur	Raichur
2.	Aiken Majalu (Idkudu Bantwal Grama)	Bantwal		South Canara
3.	Anjanapura	Uttarahalli	Bangalore South	Bangalore
4.	Dodda Begur Village	Begur	Bangalore	Bangalore
5.	Jadenahalli, Vajarahalli Bidadi Village/Bannikuppe (G.P)		Ramanagar	Bangalore
6.	Marsur Village	Kasaba	Ankal	Bangalore

[No.S-38013/43/2011-S.S.I]

S.D. XAVIER, Under Secy.

नई दिल्ली, 7 जून, 2011

का. आ. 1681.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 जुलाई, 2011 को उसे तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 (धारा-76 की उप धारा-(1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबंध कर्नाटक राज्य के गिम्लिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्:

क्र. सं.	रजस्व ग्राम का नाम व नगरपालिका सीमाएँ	होबली	तालुक	जिला
(1)	(2)	(3)	(4)	(5)
1.	बंचल्ली हुडी	कसबा	नंजनगूड	मैसूर
2.	बसवनपुरा	चिक्कय्यन छत्रा	नंजनगूड	मैसूर
3.	चिन्दगुडि हुडी	कसबा	नंजनगूड	मैसूर
4.	देवीरम्मनहल्ली	कसबा	नंजनगूड	मैसूर
5.	हेजिडे	चिक्कय्यन छत्रा	नंजनगूड	मैसूर
6.	होसूर	कसबा	नंजनगूड	मैसूर
7.	कल्ले	कसबा	नंजनगूड	मैसूर

(1)	(2)	(3)	(4)	(5)
8.	कनकनगर	चिक्कय्यन छत्रा	नंजनगूड	मैसूर
9.	के.एस. हुडी	चिक्कय्यन छत्रा	नंजनगूड	मैसूर
10.	कातवाडीपुरा	कसबा	नंजनगूड	मैसूर
11.	सिंधूहल्ली	कसबा	नंजनगूड	मैसूर
12.	उपनहल्ली	कसबा	नंजनगूड	मैसूर
13.	व्यातहल्ली (गुडगेरे)	वरुणा	मैसूर	मैसूर
14.	कडकोला	कडकोला	नंजनगूड	मैसूर
15.	के.आर.एस. रोड (होसहल्ली)	श्रीरंगपट्टणा	श्रीरंगपट्टणा	मैसूर
16.	मादरगल्ली (गुडगेरे)	वरुणा	मैसूर	मैसूर
17.	पिरियापट्टा (सीगूर विलेज बैलकुपे)	सीगूर	पिरियापट्टा	मैसूर
18.	के. आर. नगू (मल्लेनाथपुण, तातनहल्ली, काठेनहल्ली कोपा, चुचनकल्ली	सीगूर	पिरियापट्टणा	मैसूर
19.	श्रीरंगपट्टणा/योगराहल्ली	कसबा	श्रीरंगपट्टणा	मैसूर
20.	होसहल्ली/योगरहल्ली	वरुणा	मैसूर	मैसूर
21.	वरुणा एस्टेट	वरुणा	मैसूर	मैसूर

[संख्या एस-38013/42/2011-एस.एस. 1]

एस.डी. जेवियर, अवर सचिव

New Delhi, the 7th June, 2011

S.O. 1681.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st July, 2011 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except Sub-Section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Karnataka namely :—

Sl. No.	Name of the Rev. Village or Municipal Limits	Hobli	Taluk	District
(1)	(2)	(3)	(4)	(5)
1.	Banchallie Hundi	Kasaba	Nanjanagudu	Mysore
2.	Basavanapura		Chikkaiahna	Nanjanagudu Mysore Chatra
3.	Chinnadagudi Hundi	Kasaba	Nanjanagudu	Mysore
4.	Deveerammanahalli	Kasaba	Nanjanagudu	Mysore
5.	Hejjide		Chikkaiahana	Nanjanagudu Mysore Chatra
6.	Hosur	Kasaba	Nanjanagudu	Mysore
7.	Kalale	Kasaba	Nanjanagudu	Mysore
8.	Kanakanagar		Chikkaiahna	Nanjanagudu Mysore Chatra

(1)	(2)	(3)	(4)	(5)
9.	K.S. Hundi	Chikkaiahna Chatra	Nanjangudu	Mysore
10.	Kathavadipura	Kasaba	Nanjangudu	Mysore
11.	Sindhuhalli	Kasaba	Nanjangudu	Mysore
12.	Uppanahalli	Kasaba	Nanjangudu	Mysore
13.	Byathahalli (Guddagere)	Varuna	Mysore	Mysore
14.	Kadakola	Kadakola	Nanjangudu	Mysore
15.	K. R. S. Road (Hosahalli)	Srirangapatna	Srirangapatana	Mysore
16.	Madaragalli (Guddagere)	Varuna	Mysore	Mysore
17.	Periyapatna (Seegur Village Bylakuppe)	Seegur	Periyapatna	Mysore
18.	K. R. Nagar (Mallenathapura, Thathanahally, Kalenahally, Koppa, Chunchanakalli)	Seegur	Periyapatna	Mysore
19.	Srirangapatna, Mogarahalli	Kasaba	Srirangapatna	Mysore
20.	Hosahalli, Mogarahalli	Varuna	Mysore	Mysore
21.	Varuna Estate	Varuna	Mysore	Mysore

[No.S-38013/41/2011-S.S.I]

S. D. XAVIER, Under Secy.

नई दिल्ली, 7 जून, 2011

का. आ. 1682.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 जुलाई, 2011 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय -4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 [धारा-76 की उप धारा-(1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबंध बिहार राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्:

क्र. सं.	राजस्व ग्राम का नाम	राजस्व थाना संख्या	जिला	
(1)	(2)	(3)	(4)	(5)
1.	शेखपुर	668	मुजफ्फरपुर	
2.	अहियापुर	666	मुजफ्फरपुर	
3.	बड़ाजगरनाथ	675	मुजफ्फरपुर	
4.	टरमा	682	मुजफ्फरपुर	
5.	बजारी	656	मुजफ्फरपुर	
6.	भगवानपुर	353	मुजफ्फरपुर	
7.	पताही	355	मुजफ्फरपुर	
8.	मधुपुर	361	मुजफ्फरपुर	
9.	गोबरसही	354	मुजफ्फरपुर	
10.	दुमरी	332	मुजफ्फरपुर	

(1)	(2)	(3)	(4)	(5)
11.	मधुबनी	357	मुजफ्फरपुर	
12.	मादापुरचौबी	358	मुजफ्फरपुर	
13.	चौसीमा	356	मुजफ्फरपुर	
14.	पकड़ीइस्माइल	330	मुजफ्फरपुर	
15.	धरमपुर	327	मुजफ्फरपुर	
16.	मझौलीखेतल	333	मुजफ्फरपुर	
17.	ब्रह्मपुर	402	मुजफ्फरपुर	
18.	सदतपुर	392	मुजफ्फरपुर	
19.	परमानंदपुर	331	मुजफ्फरपुर	

[संख्या:-एस-38013/41/2011-एस.एस. 1]

एस. डी. जेवियर, अवार सचिव

New Delhi, the 7th June, 2011

S.O. 1682.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st July, 2011 as the date on which the provisions of Chapter-IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall into force in the following areas in the State of Bihar namely:—

Sl. No.	Name of the Revenue Village	Revenue Thana	District
1.	Shekhpur	668	Muzzaffarpur
2.	Ahiyapur	666	Muzzaffarpur
3.	Barajagarnath	675	Muzzaffarpur
4.	Tarma	682	Muzzaffarpur
5.	Bakhari	656	Muzzaffarpur
6.	Bhagwanpur	353	Muzzaffarpur
7.	Patahai	355	Muzzaffarpur
8.	Mathurapur	361	Muzzaffarpur
9.	Gowarsahi	354	Muzzaffarpur
10.	Dumari	332	Muzzaffarpur
11.	Madhubani	357	Muzzaffarpur
12.	Madapur Choube	358	Muzzaffarpur
13.	Chousima	356	Muzzaffarpur
14.	Pakari Ismile	330	Muzzaffarpur
15.	Dharampur	327	Muzzaffarpur
16.	Manjhoulkhetal	333	Muzzaffarpur
17.	Brahmpura	402	Muzzaffarpur
18.	Sadatpur	392	Muzzaffarpur
19.	Permanandpur	331	Muzzaffarpur

[No. S-38013/41/2011-S.S.I]

S. D. XAVIER, Under Secy.

नई दिल्ली, 7 जून, 2011

का. आ. 1683.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1 जुलाई, 2011 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 [धारा-76 की उप धारा-(1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबंध बिहार राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्:—

क्र. सं.	राजस्व ग्राम का नाम	राजस्व थाना संख्या	जिला
1.	हरपुर एलोथ	164/2	समस्तीपुर
2.	भम्रपुर	196	समस्तीपुर
3.	खप्रहीम पुर	191/2	समस्तीपुर
4.	हरपुर एलोथ	164/3	समस्तीपुर

[संख्या:-एस-38013/40/2011-एस.एस. 1]

एस. डी. जेवियर, अवर सचिव

New Delhi, the 7th June, 2011

S.O. 1683.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st July, 2011 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except Sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall *into force in the following areas in the State of Bihar namely:—*

Sl. No.	Name of the areas Revenue Villages	Revenue Thana	District
1.	Harpur Alloth	164/2	Samastipur
2.	Bhamrupur	196	Samastipur
3.	Khaprahimpur	191/2	Samastipur
4.	Harpur Alloth	164/3	Samastipur

[No.S-38013/40/2011-S.S.I]

S. D. XAVIER, Under Secy.